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THE
COLONIAL RECORDS

OF
NORTH CAROLINA, (Colony)

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COLLECTED AND EDITED
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VOL. VII--1765 TO 1768

RALEIGH:
JOSEPHUS DANIELS, PRINTER TO THE STATE.
1890.

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PRESSES OF EDWARDS & BROUGHTON,
RALEIGH, N. C.

PREFATORY NOTES TO SEVENTH VOLUME.

Governor Tryon's administration lasted from the death of Governor Dobbs, on the 28th of March, 1765, to the 30th of June, 1771, when he left North Carolina to take upon himself the government of New York, and its salient points were:

I. The Stamp Act Trouble.

II. The Palace and the debt it created.

III. The Cherokee Boundary Line and the extravagant cost of running it.

IV. The Regulation Troubles.

I. THE STAMP ACT TROUBLE.—The Stamp Act excitement was well under way by the time Tryon assumed the reins of government, and the people were in such a rebellious temper that he felt constrained to prorogue the Legislature, after a brief session of some two weeks only. This was his first Legislature, and called immediately after he took charge of affairs. Tradition says it was prorogued in consequence of an interview with Mr. Speaker Ashe, of the Assembly, who, upon being asked by his Excellency what course the Assembly would take in regard to the Stamp Act, replied: "We will fight it to the death," and thereupon the Legislature was straightway sent home.

The cause of the Stamp Act trouble was the recent assertion by the British Parliament of the right to tax the Province. The expenses of the war with the French and Indians rendered necessary a great addition to the regular revenues of England. Considerable difficulty was found in devising new subjects of taxation, and great opposition was made to every new tax proposed. Thus embarrassed, the attention of the British administration then in power was directed to America. The degree of authority that might be exercised by the mother country over her Colonies had never been

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accurately defined. In Great Britain it had always been asserted that Parliament possessed the power of binding them in all cases whatsoever. In America, at different times and in different Colonies, various opinions had been entertained on the subject. In North Carolina, as we have seen, however, there was never but one opinion as to the right of Parliament to tax her people without the consent of their own Assembly. The result of it all was that in 1764 the British Parliament passed a resolution importing that it would be proper to impose certain stamp duties in the Colonies for the purpose of raising a revenue payable into the British treasury. The resolution excited a general ferment in America. The right of Parliament to impose taxes on the Colonies became the subject of universal conversation, and was almost universally denied. Seeing the opposition to the resolution, the administration informed the agents of the Colonies in London that if they would propose any other mode of raising the sum required—that is to say, £100,000 sterling—their proposition would be accepted and the stamp duty laid aside. The agents replied, in substance, that they had no authority to do anything in the premises save to oppose the Bill for the stamp duty whenever brought before Parliament. The issue was now squarely made, the right of taxation being as peremptorily denied by one party as it was asserted by the other. The administration thereupon brought into Parliament the celebrated act for imposing Stamp Duties in America, and in March, 1765, it passed both houses by very great majorities. The act was, in many respects, similar to our American Internal Revenue Law.

In all of the Colonies organizations known as "The Sons of Liberty" were entered into by zealous patriots, and these organizations constituted the machinery by which information was sent from Colony to Colony, and by which the several Colonies were kept abreast of each other in the great movement. These associations, while they contributed much to increase the spirit of opposition to the Stamp Act, added also, as Judge Marshall says, to the turbulence with which, in some places, it was attended. This, however, was

unavoidable, for it is simply impossible to stimulate the people of a country to the vigorous and persevering opposition necessary to accomplish success in redressing any great popular grievance, or in resisting any great governmental oppression, without such associations. The use of the necessary remedial measures in such emergencies is sure to be followed, if not accompanied, by their abuse. In the resistance to the Stamp Act, according to Judge Marshall, many houses were destroyed, much property injured, and several persons, highly respectable in character and station, grossly abused. So much for the Sons of Liberty and their fight against the Stamp Act.

Of course, as Speaker Ashe foretold and as our records show, the Act was resisted "to the death" in North Carolina, and naturally enough, for the people had for years contended that the right of taxation could be lawfully exercised only by their own Assembly. The right of their Assembly to control the purse of the Province, they asserted, as we have seen, was an hereditary right, coming down to them from the charter of Charles, the exercise of which they had been born to from generation to generation. As early as 1716, when the Colony had been in existence barely fifty years, and the population, all told, young and old, men and women, black and white, was only some 8,000; when the Neuse was the frontier and the Cape Fear a howling wilderness, they entered upon the Journal of their Assembly, in so many words, the formal declaration "that the impressing of the inhabitants or their property under pretence of its being for the public service without authority from the Assembly, was unwarrantable and a great infringement upon the liberty of the subject." As late as 1760 the Assembly formally declared that it was the indubitable right of the Assembly to frame and model every bill whereby an aid was granted to the King, and that every attempt to deprive them of the enjoyment thereof was an infringement of the rights and privileges of the Assembly. And in 1764 the Assembly entered on its Journal a peremptory order that the

Treasurer should not pay out any money by order of the Governor and Council without the concurrence of the Assembly.

From such premises the events that followed were but a natural sequence.

On the 19th October, 1765, near 500 people assembled in Wilmington, near the court-house, and burnt Earl Bute in effigy, for the reason, as they said, that he had "several times expressed himself much in favor of the Stamp duty." After the effigy was consumed, the crowd went to every house in town and brought all the gentlemen to the bonfire, and insisted upon their drinking LIBERTY, PROPERTY and NO STAMP DUTY, and confusion to Lord Bute and all his adherents, giving three huzzas at the conclusion of each toast.

On the 16th November, 1765, Dr. William Honston, the recently-appointed Stamp Master, who happened to be in town on that day, was taken to the court-house in Wilmington and forced to resign his office, and to promise, in writing, "not to receive any stamped paper nor to officiate in any means as Stamp Master or distributor of the stamps within the province of North Carolina, directly or indirectly."

On the same day Mr. Steuart, the printer of the *Gazette*, who had said he would not print the *Gazette* save on stamped paper, was required to promise positively to continue his business as heretofore. He did so, but under protest, however, saying "that rather than run the hazard of life, being maimed or have his printing office destroyed, he would comply with their request, but took the whole for witness that he was compelled thereto." The next issue of the *Gazette* had on the margin a ghastly representation of a skull and bones and just above it the words, "This is the place to affix the STAMP."

On 18th November, 1765, near fifty of the merchants and gentlemen of New Hanover and Brunswick dined by invitation with Governor Tryon, who "urged to them the expediency of permitting the circulation of the stamps," or at least a partial one. The next

day they replied in writing, saying they thought it was the "securer conduct" to prevent to the utmost of their power the operation of the Stamp Act in any of its features in part or in whole, and that while they desired, as far as possible, to prevent injury to any officer of the Crown, the office of Distributor of Stamps was so detested by the people in general that they did not think either the person or property of such an officer could by any means be secured from the resentment of the country.

On, or before, 14th January, 1766, two sloops, the *Dobbs* and the *Patience*, came up the river, one from Philadelphia and the other from St. Christophers; neither vessel had stamps on their clearance papers, but, instead thereof, had statements from the proper officers of the Customs of the ports from which they came, certifying that no stamps could be had there. Captain Lobb, of the *Viper*, a sloop of war, thereupon seized the vessels. Another vessel, the *Ruby*, was also seized. Similar certificates for vessels clearing from the Cape Fear had been refused by Governor Tryon. This requirement to have stamps at Cape Fear, when none were required elsewhere, the merchants of Wilmington said was "a particular restriction" on their port, and for that reason it excited their hot indignation so that they straightway made up their minds not to submit to it.

Before this, they had contented themselves with a general resistance to the Stamp Act, by requiring the stamp master to forswear his office. But when Tryon sought to impose particular restrictions upon the commerce of their river, restrictions not elsewhere imposed, they went into particular resistance to meet them, and very effectual it was, too.

First of all, upon learning of the seizures made by the *Viper*, the inhabitants of Wilmington entered into an agreement not to supply his majesty's ships with provisions until such seizures were stopped, and the boatmen sent by the *Viper* for supplies were put in jail. The agreement was carried out until, the *Viper* being without rations, Captain Lobb came to terms with Colonels Waddell and Ashe on the 20th, and agreed to stop such seizures for the future.

On 12th of February, 1766, a letter appeared in the *Gazette* of that date, dated on the 30th of January, at Cross Creek, urging the people by every consideration, in the name of "Liberty, dear Liberty," to rise in their might and put a stop to the seizures. The expressions contained in it were so inflammatory that the Governor informed the Council he felt called upon to suspend the publication of the paper.

On the 18th February, 1766, an association was entered into "by the principal gentlemen, freeholders and inhabitants of several counties of the Province," as follows:

"We, the subscribers, free and natural-born subjects of George the Third, true and lawful King of Great Britain and all its dependencies (whom God preserve), whose sacred person, Crown and dignity we are ready and willing at the expense of our lives and fortunes to defend, being fully convinced of the oppressive and arbitrary tendency of a late Act of Parliament imposing stamp duties on the inhabitants of this Province and fundamentally subversive of the liberties and charters of North America; truly sensible of the inestimable blessings of a free constitution gloriously handed down to us by our brave forefathers; detesting rebellion, yet preferring death to slavery, do, with all loyalty to our most gracious sovereign, with all deference to the just laws of our country, and with a proper and necessary regard to ourselves and posterity, hereby mutually and solemnly plight our faith and honor that we will at any risque whatever, and whenever called upon, unite and truly and faithfully assist each other to the best of our power in preventing entirely the operation of the Stamp Act."

On 19th February, 1766, the Collector's desk at Brunswick was broken open and the clearance papers of the vessels that had been seized for want of stamps were forcibly taken from him. On the same day some one hundred and fifty armed men went to the Governor's house in Brunswick to demand the person of Captain Lobb, of the royal sloop *Tipper*, who had made the seizures; but he was not

there, so on the next day in the morning a committee of these "inhabitants in arms" went aboard of the *Viper* and demanded of Captain Lobb possession of the sloops he had seized. In the evening Captain Lobb surrendered the vessels, and agreed to make no further seizures.

On the 21st February, 1766, in Brunswick, Colonel Pennington, the Comptroller of the Province, was taken from the Governor's own house and from his very presence by the militia of the District, then and there surrounding his house under arms to the number of some seven hundred, carried to the court-house and there compelled to do as Houston had done in Wilmington. A similar oath was required also of all the Clerks of the County Courts and other public officials in the Province.

There was neither concealment nor disguise about any of this, but everything was done openly and by men perfectly well known and under the very eye of the Governor.

Nor were the people in other parts of the Province less pronounced in their views than those of the Cape Fear. Martin says that public meetings were held in Edenton and Newbern, as well as in Wilmington, and resolutions passed expressing the abhorrence in which the inhabitants held the Stamp Act, and that generally throughout the Province, at all their public meetings, the people gave expression to similar sentiments. The events of the Cape Fear, due in some degree to the presence of the Governor there, and occurring under his own eyes, were set out in detail in his dispatches to the home government, and have come down to us from that source in fuller description. At Newbern, Dr. William Houston, the Stamp Agent, was burned in effigy during the sitting of the Superior Court. Dr. Houston, however, complained of this, as we learn from the *North Carolina Gazette* of that date, saying that he had been condemned unheard; that he had never solicited the office of Stamp Master, nor did he know, at the time, that he had been appointed thereto—an appointment, too, that, as he said, made him odious and abhorred. At Fayetteville, likewise, he was hung

in effigy, along with a man who had murdered his wife; nor did they spare him even in Duplin, the county where he lived.

Dr. Houston's assertion that he was appointed Stamp Master without any solieitation on his part, and even without his knowledge, seems by no means improbable, when it is remembered that Franklin, and other Provincial Agents in London, had at one time so little hope of the repeal of the Stamp Act that they recommended their friends for positions under it.

After this the Governor made no effort to execute the Stamp Act, and everything went on in the Province as if it had never been passed. The ports remained open and entries and clearances were made without stamped papers, just as they had always been, and the Governor sought, by every means in his power, to conciliate the people, but it all availed nothing, so far as the Stamp Act was concerned.

In accordance with the policy of masterly inactivity he found it necessary to pursue, the Governor refrained from calling the Legislature together until the fall of 1766, by which time he had received official information of the repeal of the obnoxious act. Tryon had two purposes in view in thus preventing a session of the Legislature:

1. To prevent delegates from going to the Colonial Congress, held in New York in 1765, which he could readily do, as the delegates to that body were required to have credentials from the Assemblies of their respective Provinces.

2. To preserve the peace at home. The Province, he said, was not in a temper to do business in a manner likely either to be agreeable to the King or beneficial to itself, and, as he had no power to quiet their tumults, he thought it most expedient not to inflame them—a contingency he could not well avoid if the Assembly was allowed to meet.

It will be seen from the foregoing that Tryon's purpose, for some time, was to enforce the Stamp Act in North Carolina, no matter how little it was regarded in the other Provinces, and, to this end, was ready to use cajolery or force, either or both, as might be expe-

dient. Accordingly, we find him dining the Cape Fear gentlemen, and begging them to allow the act to go into at least partial execution. Failing in this, we find him in January, 1766, resorting to force and seizing all vessels coming into the river. And again on 3d March, 1766, he was contemplating the use of British troops to control the Province, as appears from his letter of that date. But force did no good, for Tryon was beaten at his own game, and the Cape Fear once more opened to the world.

After all that was said and done in the premises, however, the Stamp Act, had there been any authority for its enactment, would not have been unwise in principle, as it would have operated with something like equality upon all sections of the Province and upon all classes of the community. The more opulent, that is to say, the maritime districts, would have yielded much the larger proportion of revenue, while the poorer or the interior and frontier districts would have been touched with a lighter hand.

The provincial or poll-tax system of taxation was both unwise and oppressive to an extent now little appreciated. To-day public revenues are raised largely from property; indeed, the tendency now seems, in matters of taxation, to favor the poll, which, of course, must be done at the expense of property. Then, however, with the exception of a small revenue derived from imported liquors, the expenses of the government were provided for by a poll-tax. Every species of property, save that in slaves, was entirely exempt from taxation, and even the tax on slaves was a poll-tax, and not *ad valorem*. The result of it all was that the burden of taxation fell very heavily upon poor men and men in moderate circumstances, and very lightly upon men of wealth; in other words, very heavily upon the people of the interior and frontier counties, and very lightly upon those of the maritime counties. Indeed, no system of taxation more favorable to the wealthy sections, or more favorable to wealthy citizens of any section, could well have been devised.

But whether wise or unwise, whether equal or unequal in its

operation, the British government had no right to pass the Stamp Act, and so the people of the interior and frontier counties opposed it with a unanimity quite as great and a determination quite as fixed as their brethren of the East displayed. Indeed, Chief Justice Hasell, on his return from riding his circuit, assured the Governor that among all the inhabitants of the back counties he found not one advocate for the Stamp duty—a unanimity of sentiment more remarkable, perhaps, because there was no particular restriction on the trade and commerce of the people there to move them to special anger and particular resistance, as there was on the Cape Fear.

II. THE PALACE.—The erection of a palace, admitted to be the handsomest building then in all America, in a Province straitened in its finances, limited in its resources and sparsely settled as North Carolina was at the time, was simply cruel and heartless extravagance. Its cost was £15,000, and in this connection it must be remembered that the only tax then levied was a poll-tax, and that there were in all the Province only 51,044 taxables, the poorest of whom paid precisely the same amount that the richest paid, except, of course, the owners of slaves, who, necessarily, paid the taxes for their negroes. But neither lands nor personal property paid any tax. The hardship, then, of imposing this burden of £15,000 debt for the palace, especially upon the poor people of the interior and frontier counties, can be seen at a glance.

The Palace was begun in 1767, the first brick being laid on 26th August, 1767, and finished in 1770, and was burned on the night of the 27th of February, 1798. Its erection had much to do with the odium that attached to Tryon and his administration in all parts of the Province beyond the reach of his patronage and other blandishments.

III. THE CHEROKEE BOUNDARY LINE.—The necessity for a well-known, well-marked dividing line between the Indians and the whites had long been felt. The necessity, however, for the Governor to superintend the running of such a line in person was not

so apparent, nor was the necessity for him to march to the line with a large military escort, as if going though a hostile country, obvious to an already tax-burdened people who must foot the bills. The escort consisted of two detachments—one from the Rowan and one from the Mecklenburg Regiment of Militia, numbering some 70 men in all, including company officers. Lieutenant-Colonel John Frohock commanded the detachment from Rowan, and Lieutenant-Colonel Moses Alexander that from Mecklenburg. Colonel Hugh Waddell was Colonel Commandant of the whole escort. Edmund Fanning, with rank of Colonel, was Adjutant-General, and Isaac Edwards Aid-de-Camp. William Frohock was Commissary, and John Wills was Chaplain. The whole retinue, including servants, numbered near 100 men, and daily orders were issued by his Excellency to the troops, and the troops kept a regular journal of every day's march they made. Courts-martial were provided for: each camp had its name, and each day its formal countersign and parole: in a word, all the paraphernalia of war, so ridiculous in time of peace, were duly provided. The appointment of Fanning as Adjutant-General with the rank of Colonel doubtless gave rise to the rumor current in the country that he had been paid £1,000 for going on the expedition.

Without sufficient currency to meet existing taxes, with additional taxes in view for the Palace in the East and for the Boundary Line in the West, and with official extortion from east to west, the outlook in 1767 was by no means encouraging. Extravagance was the order of the day—a fact that the unnecessary parade and expenditure attending the running of the Boundary Line, taken in connection with the building of the Palace, did much to emphasize, showing, as it did so plainly to the people, how quick Governor Tryon was to spend their money to gratify his vanity and love of display. And, after all, the line was run after Tryon and his Colonels, and his Lieutenant-Colonels, and his Adjutant-General, his Commissary and his Chaplain, and his escort generally, had left the ground and returned to their respective homes. The dance

was, indeed, a brave one, but it was not those who danced that paid the piper.

IV. THE WAR OF THE REGULATION.—We come now to consider a period in our history about which neither our own people nor those outside of the State have always agreed. For half a century, indeed, the verdict was unfavorable, but since then opinion has undergone a marked change, as light was turned on that much-misunderstood and much-misrepresented trouble, so that now it may be said that history has fairly righted itself, and that Haywood, Caruthers, Shocco Jones, Swain and Wiley were enabled to undo the cruel wrong that Martin and Williamson and the generation that preceded them did to that long-suffering, patriotic body of North Carolinians known as the Regulators. Mr. Bancroft, too (long may he live), the great American historian, is their able defender and enthusiastic enlogist, and has written them down upon imperishable record as the earliest and most devoted of American Revolutionary patriots, rather than ignorant, lawless men of low degree, opposed to all government and the payment of all taxes; and, with a knowledge of the records now accessible, there seems to be little danger they will lose the place in history thus assigned them, for to those records they may safely appeal for the justice so long denied them. Time heals many wounds and rights many wrongs.

The causes that led to the War of the Regulation may be shortly summed up under three heads: 1st. Unlawful exaction of fees by Clerks and County Registers of Deeds; 2d. Unlawful exaction of taxes under color of legislative authority; 3d. And indirectly, the unduly unequal distribution of the benefits and burdens of the Provincial Government.

To the payment of taxes lawfully collected and honestly applied, or to the payment of lawful fees, it cannot be shown they ever objected. On the contrary, they asserted from the outset that it was the duty of every honest man "to give part of his substance to support rulers and laws."

1. *Extortion of County Officials.*—The proof on this charge is plenary. Governor Tryon, in a dispatch to the home government, dated 24th of December, 1768, said it was not to be denied that the people of Orange had a color for showing their dissatisfaction at the conduct of their public officials, as both the Register and Clerk of the County had been found guilty of taking "too high fees" at the preceding Court. Colonel Fanning, a leading lawyer, a Yale graduate, a member of the Assembly, was also Register of Deeds for the county of Orange, and the outcry against him became so great because of his extortions that he was prosecuted therefor by order of Governor Tryon. At the trial at September Term of Hillsboro Superior Court, in 1768, he was duly convicted and according to popular tradition was fined a penny and costs. The records, however, do not show that he was ever subjected to any sentence whatever by the Court, but, on the contrary, they seem to show that an *advisari* was taken from time to time so as to give Fanning opportunity to get opinions from London lawyers declaring that, though technically guilty of extortion in that he had taken greater fees than the law allowed, there was no *criminaliter* in the act, as he had taken only such fees as the Inferior Court had told him he was entitled to take. This was certainly the state of the case as late as 1770. The battle of Alamance doubtless terminated the *advisari* and fixed the mind of the Court.* Now when it is remembered that this Inferior Court was presided over by ordinary magistrates, utterly unlearned in the law, and that Fanning was an educated man and a leading lawyer among educated lawyers, a Yale graduate and an LL. D. of that institution, of King's College and of Dartmouth University in America, and of Oxford in England, the absurdity of the pretence that his taking excessive fees, as a matter of fact, lacked the *criminaliter* element, is at once apparent; and it is apparent,

*Indeed, in time, the Regulators when threatening redress by the courts, were met with the mocking taunt that the Battle of Alamance was a Court of Record that had already determined all such matters.

also, that his consulting an unlearned court in the premises was a mere trick that his lawyer's learning suggested to him in advance might be expedient in time of future trial. Able practitioners, learned in the law, especially those honored with the degree of LL. D. from the oldest and greatest institutions in the world, have never been in the habit of going in good faith to unlearned laymen, especially when made magistrates through their influence, to construe statutes for them, and the men who constituted the Inferior Court of Orange were certainly laymen unlearned in the law.

And as it was with the Register of Deeds so it was with the Clerk of the Court and the Sheriff and his deputies, and as it was in Orange so it was in Anson, Rowan and Mecklenburg.

At the same term of the Court at which Fanning was thus dealt with for extortion, three Regulators were tried for taking part in the rescue of a mare that had been levied upon by the Sheriff in payment for taxes unlawfully exacted. Convicted by a packed jury, the Court took no *advisari* in their cases, but proceeded at once to inflict upon them heavy fines and severe imprisonment.

The contrast in the action of the Court in the two classes of cases had, as it were, under the very eye of the Governor, who was personally present at Hillsboro at the time, was, to say the least, very striking.

And thus was the solemn appeal of the Regulators to the Courts of the Province made a delusion and a mockery.

2. *Unlawful Taxation Under Color of Legislative Authority.*—The proof under this head, though full and entirely convincing, can be stated in a very brief compass. It will be remembered that, from the time each issue of government notes that constituted the public debt of the Province had been made, a tax had been annually levied and collected as a sinking fund for its payment. These taxes were poll-taxes, and, as the total of the debt was well known, and

the number of taxable polls known with reasonable certainty, as well as the tax per poll, it was easy to form some idea when the debt ought to have been paid off. When the Regulators began their movement under that name, the calculation was that from £25,000 to £30,000 had been collected from the people more than enough to pay off the public debt, though the tax still continued, and without any prospect of its coming to an end. Tryon himself said that, from various causes, partly from the embezzlement of Sheriffs, not more than one-third of the tax levied was paid to the Public Treasurers. The fraud became so patent that the Assembly, on 5th December, 1768, formally declared that the taxes for sinking the £12,000 granted in 1760, and the £20,000 granted in 1761, had had their effect and ought not henceforth to be collected—and this in spite of Fanning's report that they ought to be collected for the next year. Governor Tryon, however, refused to give his assent thereto and the Sheriffs continued their collections. Not content with this, the Legislature appointed Mr. John Burgwin, Clerk of the Upper House and a thorough accountant, to examine into the matter and report the facts. His report, a copy of which we have, shows that, in the year 1770, there was at least one defaulting Sheriff in every county in the Province; that in most counties there was more than one; that the defalcations had been occurring for many years, and that the total indebtedness of the various Sheriffs in the several counties was £64,013 13 3. Subsequent to this report, but subsequent also to the battle of Alamance, the Assembly (the same Assembly that passed the bloody Johnston Bill) forbade the Sheriffs any longer to collect the taxes in question. But that by no means brought back to life the men killed on the banks of the Great Alamance.

3. *The Unequal Distribution of the Benefits and Burdens of the Provincial Government.*—1. All the revenue of the Province, as we have seen, save a small import duty on liquors, was received from a poll-tax. This tax was unjust and oppressive to the poorer

classes, and of such the inhabitants of the back counties mainly consisted.

2. The mode of taxation was a grievance bad enough in itself, but another grievance, that is to say, the lack of currency and its unequal distribution, made it ten-fold more oppressive.

To understand the situation in this regard, however, a reference to the condition and legislation of the Province is necessary.

At a very early period, as we have seen, in the ruder stages of our back-woods civilization, owing to the want of a circulating medium for trade and other purposes, certain commodities—products of the soil—were, by statute, made a legal tender, receivable for quit-rents and taxes, as well as for private dues. In the matter of quit-rents, it will be remembered that Governor Johnston had a fierce and prolonged struggle with the people of the East before any agreement was reached as to the commodities or the rates at which they were to be received. Later on, however, especially by the statutes of 1754 and 1764, a limitation was put upon the legal tender quality of commodities by which it was restricted to such as had been prepared for shipment as required by the statutes, had been carried to a warehouse established by statute, and had been duly inspected and branded by an inspector appointed and sworn for the purpose. When deposited in the warehouse, either for shipment or safe-keeping, the inspector was required, if desired, to issue notes to the depositor, according to the value of the commodity, at rates fixed by the statute, which were made transferable by mere manual delivery, and were a legal tender for public taxes, as well as private dues, with some restrictions as to time. What an ease this must have been to trade, as well as to tax-paying, can readily be seen. But without a warehouse there was no inspector, and without any inspectors there were no inspectors' notes and no legal tender quality in the commodities, and the original purpose of the warehouse and inspection system being to prevent the shipment of produce in unmerchantable shape, all warehouses were situated at or near landings on navigable streams. In the frontier counties there were no

navigable streams, and consequently no warehouses, and so the people there were deprived of the happy incident of the system that took shape in inspectors' notes—an incident that in time became quite as important as the principal, in that it not only provided a ready market for produce, as it were, but provided a currency that was greatly needed. Bearing these things in mind, the prayer of the people of the frontier counties to the Legislature in 1769 for an extension to them of the warehouse and inspection system, and of the legal-tender quality to suitable commodities throughout the entire Province, was both reasonable and intelligible.

As early as 2d February, Governor Tryon called the special attention of the home government to "the distresses the public in general, and many families in particular," suffered by the collection of taxes where distress was made, by reason of the scarcity of currency. The property put up for sale would not always, he said, bring enough to satisfy the Sheriff, owing to the scarcity of money in the country, yet the owner of the property could, by the sale, "be greatly distressed, if not ruined."

So great was the scarcity of money, that to wagon forty bushels of Chatham County wheat to Fayetteville, the best market of that day, and sell it for forty shillings, or five dollars in cash, was thought to be "doing a first-rate business." That it would have brought much less at home or in Orange is a matter of course, whether sold in the ordinary course of trade in open market, or by the Sheriff under execution. What an opening for gainful oppression this state of things gave creditors in general, and county officials in particular, may easily be seen—a regular harvest-time for court-house rings and court-house cliques.

But it was not the lack of currency alone that made the extortions of county officials bear hardly upon the frontier counties. The grievance was still further heightened, in communities where almost all debts were small, by the mode of collecting them. Under the law, at that time, all sums over forty shillings were sued for and recovered in Courts of Record, thereby creating an immense business for

those Courts, with Clerks' fees and other costs to correspond, so that the extortions of county officials, to use the language of Judge Haywood, "fell with intolerable weight upon the people."

But the benefits of the Provincial Government were unequally distributed, as well as its burdens, and the East was still the favored section. Every member of the Council or Upper House of the Legislature, without a single exception, was from the East, while to the Assembly five Eastern counties sent five members each, other counties in the Province sending only two. The Public Treasurers were from the East, and so were the Judges, unless Henderson be considered an exception, and the Attorney General; and generally, all the patronage of the Government went to the East.

And so too, in the matter of the expenditure of the public revenues, as in their collection, the East was still the favored section. The seat of Government, always in the East, was finally fixed permanently at Newbern, and the famous Palace there built. Fort Johnston, on the Cape Fear, was also a continuous drain on the public treasury, as for a time also was Fort Granville at Ocacock.

In a word, the Government was essentially in the interest and for the benefit of the East to such an extent, as has been well said, that nothing more was left for the East to ask or desire. This condition of affairs, however, did not tend to beget much affection in the hearts of the people in the back counties, new comers as they were into the Province, for the Provincial Government.

The first recorded mutterings of the troubles that grew into the War of the Regulation were heard in Granville County, and were contained in the Nutbush paper of the 6th of June, 1765. The next were heard in Orange, and are to be found in the papers of the summer and fall of 1766. Tryon, indeed, says the troubles "began in Anson and spread to Orange;" but in this he evidently referred to events occurring in 1768.

The men at the back of these papers gave themselves no special name, but met simply as inhabitants of the county. To outsiders

they were known as "the mob." Their purpose was by means of appeals to the county officers and members of the Assembly, first to ascertain the law and the facts and then to get redress, if any they were entitled to, and upon this basis matters stood until March, 1768. Up to that time no violence was contemplated and none committed.

Unfortunately, these peaceful efforts came to nothing, failed most ignominiously, it might be said, though meanwhile the county officials continued their exaction of unlawful fees, and the Sheriffs continued to collect taxes to pay a debt, for the payment of which more than the amount due had already been collected.

In March, 1768, hopeless of results from mild measures, an organization of a more pronounced character was formed, its members being known to themselves, as well as to outsiders, as Regulators, at which time, it may be said, the era of force and violence began.* While still preferring and adhering to the peaceful procedure by appeals, etc., their agreement as Regulators was to pay no taxes save those they were satisfied were agreeable to law and applied to the purposes intended by law, and to pay no fees not allowed by law, and the Sheriffs were informed that any man who attempted to collect fees and taxes, save as above specified, would do so at the risk of his life.

In spite of all warnings, however, the sheriffs seized a mare, saddle and bridle for taxes, and carried them to Hillsboro, whereupon some sixty or seventy Regulators repaired at once to Hillsboro, fired into Colonel Fanning's house, and rescued the mare. For participating in this rescue, two men were arrested on the night of

*The "borrowed name" of Regulators, to use Tryon's sneering words, doubtless came from the South Carolina people "of that ilk." They, however, had a better fate than their North Carolina brethren, for the government of that Province listened to their complaints, redressed their grievances, and all was well with both government and Regulators. The name of the Sons of Liberty was also borrowed. Colonel Barré having, in a speech in the British Parliament, referred to the Americans who were opposing the Stamp Act as "sons of liberty," they straightway adopted it, and under that name proceeded to organize themselves into associations throughout the Colonies that became, in time, the active machinery for opposing British oppression.

30th April, and the next day carried to Hillsboro. By the morning of the 3d of May some 700 and more armed Regulators were in the town to compel the release of the prisoners. But by this time, however, the prisoners had been released on bail, and the Governor's secretary, who had brought the proclamation of the 1st of May, went to the Regulators' camp and read it to them, delivering, at the same time, a verbal message from the Governor to the effect that he would protect them against the extortions of any officer in the county, provided they would disperse and go home, which they proceeded at once to do, saying that all they wished was liberty to make their grievances known. The Governor, however, afterward, on the 21st June, repudiated this message, saying that the extent of what he authorized his secretary, Mr. Edwards, to declare on his behalf, was that the Regulators should desist from any further meetings, should allow the Sheriff and other officers to execute their duties without molestation, etc., and that only by a strict adherence to those directions could executive clemency be looked for. And thus was added another ignominious failure to accomplish redress by peaceful measures.

About the 1st of July, 1768, Tryon went to Hillsboro, and, apparently bent on bringing matters to a violent issue, on the 1st of August sent the Sheriff out to collect taxes for the year 1767. No taxes being collected, the Governor, on the 13th of August, wrote the Regulators a letter, saying the prospect was so alarming that he peremptorily required at least twelve of their leading men of the first property to meet him at Salisbury on the 25th, and execute a bond for £1,000 that no rescue of Husbands and Butler (the persons arrested on the night of 30th April) should be attempted. His purpose in going to Rowan was to enlist troops, he said, for the protection of the Hillsboro Court, to be held in September, and, armed with the letter of the Presbyterian pastors, he seems to have had no difficulty in getting as many men as he wished. With these troops he marched into Hillsboro on Monday, the 19th of September, 1768, and there encamped until the 2d of October following. There were

present also detachments from two other regiments, one from Orange and one from Granville. This military display saddled an additional debt of £20,000 on the Province. How little real necessity Tryon thought there was for it all, appears from his dispatches. On the 16th of June, 1768, he wrote to Earl Hillsborough that the troubles had subsided for the present, the Regulators intending to proceed by petition to him; that no mischief had hitherto been done, and that the taxes could be collected without any obstruction, if only the prayer of the Colony for currency should be granted.

In view of these warlike preparations of the Governor, it was agreed among the Regulators that Butler and Husbands should not appear at Court, lest they be arbitrarily dealt with, but that all others should be free to go to Court, well armed or not as they pleased, but that they should not use the arms or be guilty of any violence unless first attacked, and that if they could not offer terms acceptable to the Governor, "to return home and leave him to fight the air."

On the first day of the Hillsboro Court, 22d September 1768, some 3,700 Regulators encamped about half a mile from the town, and sent to Tryon, saying they desired to lay aside all methods of redress for their grievances save by a due course of law, and that if the Governor would issue an amnesty proclamation for all past offences, they would, for the future, confide in his favor and assistance to execute the laws against exactions and extortions. Tryon not acceding to this, the Regulators quietly dispersed and went home, leaving the Governor, as they said they would do, "to fight the air." They did not abandon their peaceful purposes, however, for on the 29th October the Sheriff wrote to the Governor that he had just made a tour through the county; that the people submitted to the collection of taxes, and were ready to comply with and be obedient to the laws. And thus the battle of Alamance was postponed for near three years, an exhibition of perhaps more than the usual patience of the average North Carolinian under such circumstances; but then it must be remembered that the great body of the Regulators were comparatively new-comers in the Province.

Nor did matters proceed to extremities during the balance of the year 1768, nor during the year 1769, with one exception, for the Governor having dissolved the Legislature of 1768, there was hope of better things from one fresh from the people; and sure enough, after the election, it was found that some forty-five new members, the whole number being eighty, had been returned to the Assembly. The abrupt termination of that body, however, by Tryon, because of certain obnoxious resolutions in regard to the power of the British Parliament to tax the Provinces, brought the session to such an early close as to blast all hopes of remedial legislation.

The exception referred to was a severe whipping given to the Sheriff of Orange, who had attempted to levy an execution. This, however, as Governor Tryon expressly says in his dispatch to the home government, was the act of individual Regulators rather than of their organization, and was almost universally condemned by them. Nor was there serious trouble during the first part of the year 1770. But peace was not to prevail, except as the price of abject submission to Fanning and Tryon. So, in July of that year, as if to add insult to injury, Tryon forced Fanning, the convicted extortioner, upon the county as a member of the Assembly, in spite of the fact that he had become so odious to the county that the people would no longer send him to the Assembly. This he did by erecting the little hamlet of Hillsboro into a borough by special charter, with authority to send a member to the Assembly. Possibly, however, that was natural enough, for Fanning was Tryon's right-hand man, was the introducer and father of the bill to build the Palace, and was also the chief executive officer of his escort on the notoriously extravagant expedition to the Cherokee boundary line; and this, too, was done, so far as appears, without any evidence that Hillsboro had the number of families required by law for that purpose.

After these various failures to obtain redress by peaceable measures, extreme measures, as might have been expected, were again resorted to, and the last half of the year 1770—that is to say, after the indignity put upon them by forcing Fanning upon the county

as a representative from the so-called "borough" of Hillsboro, the man so cordially hated by it—witnessed more scenes of violence than had occurred in all the preceding years. The Sheriff of the county was severely beaten, Colonel Fanning's house was torn down, the court-house seized in open Court, its proceedings interrupted and its attorneys beaten, Fanning among the number, after being dragged from the building by the heels. Judge Henderson was, indeed, allowed to remain upon the bench, but only upon the supposed understanding that he would try the cases in which the Regulators were interested, and which had hitherto hung fire, an understanding, however, as the Judge frankly admits in his letter to the Governor, that he had no intention whatever of carrying out, and, accordingly, that night he left town by a "back way." On the next day the Regulators again took possession of the court-house, the Judge having abandoned it, put one of their own men on the bench and held a mock court, called the docket and made various entries expressive of their sentiments in the premises, some of them by no means guarded in language. These entries, as originally made, are to be seen in the Court records in Hillsboro to-day. At the March term of the Court in 1771 the Regulators again appeared, but so did not the Judges, who said they dared not appear.

Meanwhile Tryon was maturing his plans for the Alamance campaign. Its outlines began to develop as early as March, 1770. On the 13th of that month Judge Moore, writing from Salisbury to Tryon, advised him that, as civil process could not be executed in that district, appeal must be had to the other arm of the Government. This was followed by a meeting of the Council on the 9th of April, in which it was advised that the Legislature be called as soon as possible, as nothing could be done without that body; that meanwhile the Sheriffs be notified by proclamation to appear before the Legislature and recite their grievances. The April meeting of the Council was followed by another on the 18th of October, when the Attorney General formally advised the use of military force, and the Council

advised that the several Colonels be directed to say what number of men could be depended on from their respective regiments to make a campaign into the Regulators' country. In due course of time the Colonels reported, the Legislature met, the Western Sheriffs told their tales of woe, and Johnston introduced his bloody bill, but still the Legislature, according to Judge Iredell, was of "regulating tendencies," and possibly Tryon might have failed at the last moment had it not been for a letter printed in the *Gazette* of that date, signed James Hunter, but which it was alleged Husbands wrote and published. The letter severely reflected upon Judge Maurice Moore, who was also a member of the Assembly, and upon this pretext Husbands was formally expelled from that body on 20th December, 1770. Meanwhile, Husbands, being threatened with arrest for the libellous letter, as if in aid of the Governor's line of policy, though doubtless without any such intention, declared that in such an event the Regulators would come down in force and release him. Husbands, after his expulsion, was arrested by the Governor, and thereupon the Regulators did assemble and began their march to Newbern to release him. The Grand Jury, then in session, however, refused to find a true bill against Husbands, and thereupon Chief Justice Howard discharged him, much to Tryon's dissatisfaction. The Regulators, being notified of Husbands' release, disbanded and went back home. But it was too late; the mischief was done beyond recall, and the Legislature, under the pressure of the threatened attacks—threats that, opportunely enough, were first heard the day before the Assembly met—on the town of Newbern, where they were assembled, passed the Johnston Bill, a bill that, for the time at least, did more harm than a book full of remedial statutes could have undone. This bill was entitled "a bill for preventing tumults and riotous assemblies, for the more speedy and effectual punishment of the rioters," etc.

Its main provisions were:

1. That if any persons to the number of ten or more should assemble together unlawfully, tumultuously and riotously, and should so continue assembled after the first of February, for the

space of one hour after being required by a magistrate or Sheriff to disperse, should be adjudged guilty of felony, and suffer death, if found guilty.

2. And if such persons so unlawfully assembled should continue together for one hour after such request to disperse was made, it should be lawful for the magistrate and sheriff to arrest them in order to their being proceeded against according to law; and that if any of the persons so assembled should be killed in the attempt to disperse or arrest them, the Sheriff or magistrate, and all others aiding them, should be held harmless therefor.

3. That if any persons so unlawfully assembled should, after the first day of March, obstruct or disturb the proceedings of any Court, assault or openly threaten to assault any Judge or other officer of such Court during continuance of the term, or should obstruct any collector of the public taxes, or should unlawfully destroy or begin to destroy any building for religious worship, court-house, prison, dwelling-house, barn, stable or other out-house, they should be adjudged guilty of felony, and suffer death, if found guilty by a verdict of a jury.

4. That the Attorney General or his deputy might prosecute any person who should be charged with any of the offences above named since the first day of March last, or should at any time thereafter commit them in any Superior Court in the Province, or in any special Court of Oyer and Terminer, and all proceedings therein had should be as valid as if had in the county or district where the offence was committed, any law, usage or custom to the contrary notwithstanding; provided, nevertheless, that no person guilty of any offence mentioned in this act, although convicted thereof in a different district from that wherein such an offence was committed, should be subject to any other or greater punishment than he might have been had this act never been made.

5. That if any indictment should be found or presentment made for any offence before mentioned, it should be the duty of the Judge to issue a proclamation, to be put up at the court-house and each

church and chapel in the county where the crime was committed, commanding the person named therein to surrender himself to the Sheriff of the county wherein the indictment was found, within sixty days, or be held guilty of the offence charged, as if he had been convicted thereof by due course of law; and it was made lawful for any person to kill such offender with impunity; it was also provided that the estates of persons so killed should be forfeited to the King and sold by the Sheriff at public sale.

6. That if any number of armed men should oppose any military force of the Governor, raised by this act, and should refuse to lay down their arms and surrender themselves when required so to do, they should be considered traitors and dealt with accordingly.

The authorities in England were so shocked at the bloody features of the bill, that instructions were sent forbidding any Governor to approve such a bill in the future. Such an act, they said, was a disgrace to the British statute books. But that did not bring back to life either poor Few or the men killed in battle, for, by the time the act had reached England and been considered there, it was too late to prevent its operation here.

This act was passed, doubtless, in consequence of the opinion of the Attorney-General, who had officially advised the Governor and Council that the acts of the Regulators amounted in law only to riots and misdemeanors. The *ex post facto* bloody Johnston act, however, transformed them into capital felonies, punishable with confiscation of property and loss of life.

That Tryon credited the first rumors of intended attacks on the town may be doubted, especially the one that the Regulators were on their way down to prevent Fanning from taking his seat, but he saw in them, whether true or false, his opportunity, and he set to work to make the most of it. The Pitt and Craven regiments were accordingly detailed for the protection of the legislative body and the peace of the Government, even before the Legislature met, and in time the town was intrenched. In a word, the sensibilities of the Legislature were well worked upon, and the Johnston act was the result.

It seems by no means certain, however, that it would have been passed but for Tryon's industrious working up of rumors of attack.

With this act upon the statute book, Tryon proceeded to carry out the plan he had so long been maturing. An army was raised, not without some difficulty, however, for there was, to say the least, no eagerness among the people to go as enlisted men; indeed, it would seem that from more than one regiment he failed entirely to get any volunteer recruits in the first instance, and, according to Tryon's own statement, it was only the 40 shillings bounty and the 2s. 6d. *per diem* that enabled him to get his men at the last.

In spite of Tryon's advice to make up the quotas demanded by him by draft, there were no troops from the Albemarle section and counties adjacent, as Tryon states, owing to the refusal of the Northern Treasurer "to honor his warrants payable to the Colonels of these counties to enable them to give each soldier forty shillings bounty and furnish necessaries for the expedition (without which credit no men could have been raised):" as the Southern Treasurer had done. It certainly does not speak well for the *personel* of the enlisted men of Tryon's army that their inducement to service was 40s. bounty and 2s. 6d. a day per enlisted man, and that without it they would not have enlisted.

The Northern Treasurer, saying he knew no authority under the law for such warrants, refused to honor them. The other Treasurer, however, either being more complaisant in carrying out his Excellency's wishes, or gifted with a power of seeing further into the mill-stone of authority than his colleague of the Northern district, yielded so far as to issue £6,000 in Treasurers' notes. These notes, of course, were cheerfully taken, for, in the condition of affairs, anything that had the semblance even of an official promise to pay by the Government was readily current. Even counterfeit notes passed without sufficient question.

And thus a new debt of £40,000, the cost of the Alamance campaign, was saddled upon the already over-burdened Province. How

different the result would have been had sturdy Republican John Starkey been alive and still Treasurer!

Having gotten his troops, Tryon, on the last week in April, set out on his march for the up-country, gathering in such reinforcements *en route* as could be had. Reaching Hillsboro on the 9th of May, he found the condition of the country there and to the westward in a very unsatisfactory condition, as the people everywhere, roused to desperation by the rumors of his intended invasion of their country with an army, were assembling together, under arms and without arms, in great numbers, so that it was not safe to delay action. Tryon thereupon determined to strike the nearest Regulators at the earliest possible moment. These, he found, were embodied near Great Alamance Creek, some twenty-five miles distant, and he straightway proceeded to confront them in battle array, leaving all his baggage and other *impedimenta* under guard at Hillsboro. The battle took place on 16th May, 1771, but space does not permit any statement of its details here. They are set forth in full in the various documents hereinafter printed. It is sufficient here to say that the Regulators in that battle, ill armed, that is to say, when they were armed at all, and worse officered, numbered some 2,000 men, according to Tryon, while the Government troops, who, according to the same authority, numbered some 1,200 men, had not only the best arms, but amongst their officers all the military talent and experience the Province then possessed, including James Moore and Francis Nash, afterward Brigadier Generals in the Continental Line; Robert Howe, afterward Major General in the same service; John Ashe and Alexander Lillington, Generals in active service in another corps of the Revolutionary army. Caswell, too, was there with whatever military talent and experience he possessed. General Hugh Waddell, the great Indian fighter, Griffith Rutherford, another great fighter, and afterward a Major General being in his command, was only prevented from being in the battle by a large body of Regulators that appeared in his front a few miles from Salisbury on his march with some 250 or more militia from that section to join

Tryon. His powder train, too, *en route* from Charleston to Salisbury, had been attacked in Cabarrus County and destroyed by disguised men, from which circumstance the "Black Boys of Cabarrus" derive their name. At a Council of War, held on 9th May, just a week before the battle, Waddell found that the Regulators in his immediate front outnumbered his own forces, and in addition to that, that his own forces were unwilling to fight, being in great part, at least, Regulators themselves; whereupon it was deemed best to return to Salisbury.

The result was as might have been anticipated, for no unarmed, or ill-armed, raw troops will stand long before artillery fire at short range. The Regulators were defeated, dispersed and vanquished. The casualties on the side of the Regulators were variously and loosely estimated at from 20 to 30 killed, and near 200 wounded, and on the side of the Government troops, 9 killed and 61 wounded, according to Tryon's report, which was doubtless not an underestimate. Next morning one Few, taken prisoner in the fight or afterwards, was hung without a trial by order of Tryon, a fact that Tryon announced to his Government in a "P. S." to his dispatch, dated a month or more after the hanging, as if it had escaped his attention until the last moment—doubtless the first time in history that the official announcement of the hanging of a man was made in a "P. S." Tryon's statement that the man was an outlaw, even under the Johnston Act, was untrue, it would seem. An Orange County man, and for some offence committed in the county of Orange, he was indicted at Newbern at a Special Term of Oyer and Terminer under the bloody Johnston Act. Under this act, parties who were indicted and after proclamation and advertisement at the court-house, churches and elsewhere in Orange, did not surrender themselves within a certain time, might be outlawed; but when Few was hung, the time allowed by the act for his surrender had not expired. The truth seems to be that Few was a poor, demented wretch, whose wits, tradition says, had gone astray upon the seduction of his sweetheart by Colonel Fanning. Twelve other prisoners were tried

and convicted, at Hillsboro, of treason, at a Special Court of Oyer and Terminer, and six of them were hung—all the arrangements for their execution being made under Tryon's personal supervision. The place of execution was at a spot now in the inclosure of the residence of Mr. Paul C. Cameron, at Hillsboro.

After the battle, the army subsisted itself upon the stores of the Regulators, as Tryon boasted, wherever to be had, and destroyed and laid waste the houses and plantations of the outlaws. Plantations, too, and other properties were confiscated, and generally everything possible was done to make rebellion odious. After a tour to the westward, the army took up its homeward march.

The extent of the Regulation troubles will be better appreciated when it is remembered that the number of men who came into the different camps and took the required oaths of submission after the battle amounted to 6,409. Including, therefore, participants and active sympathizers not sworn, and the women and the children, the population involved must have been at least 50,000—that is to say, the great body of the white people in the territory east of the mountains and west of what is now Wake County. But not even this statement gives a correct idea of the extent to which disaffection had gone. Governor Tryon said as early as 1768 the insurgents throughout the Province considered Orange as the heart of the movement, and waited to see what the result there would be. Had the Regulators triumphed there, thousands in other parts of the Province, he said, would have declared for them, and "civil government in most of the counties in the Province would have been overturned." In 1771, disaffection had spread to the very Palace at Newbern.

The effect of all these things was disastrous in the extreme to North Carolina. Shortly after the battle, says Judge Haywood, one of the ablest lawyers and greatest judges that ever adorned the bar or graced the bench in this or any other State, and who was almost if not quite contemporaneous with the events of which he speaks, "full streams of emigration began to flow in various directions from

the misgoverned Province of North Carolina." In 1772, Morgan Edwards, a noted Baptist preacher and historian, who made a tour through the Province that year, reported that 1,500 families had departed since the battle of Alamance, and declared that, to his own knowledge, a great many more were only waiting to dispose of their plantations to follow them. These people had at first tried peaceable measures for redress of grievances; then violent ones, including an appeal to arms, and had been defeated. Still unsubjugated and still unwilling to submit to oppression, they abandoned their homes and their property, crossed the distant mountains, and, in the wilds of the then unknown West, founded a new State that soon became great and famous.

Assuming that in this day, when, in theory at least if not always in practice, governments are the servants and not the masters of the people, the duty of a government, by redress of grievances, to prevent a rebellion rather than to permit it to come to a head and then to crush it out with an iron hand, will be admitted, it needs only to be added in this connection that it is idle to say the Government had no opportunity to redress the grievances under which the Regulators labored. No advantage was taken of these opportunities, but the oppressions were allowed to go on for seven years, from 1765 to 1771, and then the oppressed and not the oppressors were crushed to the earth. Not a year of these seven long years passed in which the Government did not have ample opportunity to have settled every difficulty without the slightest sacrifice of its authority or compromise of its dignity. Notably was this the case after the 3d of May, 1768, when the Regulators, who had assembled at Hillsboro in large numbers, peaceably dispersed, went home with shouts of joy, upon the simple assurance that the Governor would look into matters and right whatever was wrong. What a mockery Tryon made of righting wrongs we have already seen. And notably was this true for the remainder of the year 1768 and the whole of the year 1769 and part of 1770. Another notable opportunity occurred

in 1771, when an agreement was entered into between the county officials of Rowan and the Regulators looking to a full settlement of that part of the trouble relating to the extortions of county officials. Instead, however, of thanking Frohock and Colonel Martin, who had been greatly instrumental in bringing about so happy a solution of the long-pending trouble, Governor Tryon, when informed of the facts, sternly rebuked them for their conduct in interfering in matters that were entirely above their jurisdiction, and informed them that he proposed to reconcile matters in a very different way, which was then already determined upon.

It is evident that Tryon did not desire a peaceable solution of matters, for, had he done so, he would have called the Legislature together in the winter of 1768, or early in 1769; nor would he have so abruptly dissolved the Legislature of 1769, nor would he have failed to call a new one early in 1770. At each of these times peace was perfectly possible. But he did not desire peace. Peace and accord with the Regulators was the last thing he wished, and the opportunity to make capital by crushing them out the thing, that above all others, he desired. His eye was always upon the home Government, and his purpose always to use North Carolina as a stepping-block to higher preferment, and soldier-like, he looked to the battle field for promotion. His reward came sooner, perhaps, than he expected, for even before the Alamance campaign, he was translated to the Government of New York—the long-cherished object of his ambition.



COLONIAL RECORDS.

1765.

[REPRINTED FROM MARSHALL'S LIFE OF WASHINGTON, VOL. II, P. 91.]

THE SONS OF LIBERTY.

“To interest the people of England against the measures of administration, associations were formed, in every part of the Continent, for the encouragement of domestic manufactures, and against the use of those imported from Great Britain. To increase their quantity of wool, they determined to kill no lambs, and to use all the means in their power to multiply their flocks of sheep. As a security against the use of stamps, proceedings in the courts of justice were suspended, and it was earnestly recommended to settle all controversies by arbitration. While this determined and systematic opposition was made by the thinking part of the community, there were some riotous and disorderly meetings, especially in the large towns, which threatened serious consequences. Many houses were destroyed, much property injured, and several persons, highly respectable in character and station, grossly abused. These violences received no countenance from the leading members of society, but it was extremely difficult to stimulate the mass of the people to that vigorous and persevering opposition which was deemed essential to the preservation of American liberty, and yet to restrain all those excesses which disgrace and often defeat the wisest measures. In Connecticut and New York originated an association of persons styling themselves the “*Sons of Liberty*,” who bound themselves, among other things, to march to any part of the Continent, at their own expense, to support the British Constitution in America, by which was expressly stated to be understood the prevention of any attempt which might anywhere be made to carry the Stamp Act into operation. A corresponding committee of these “Sons of Liberty” was established, who addressed letters to certain conspicuous characters throughout the Colonies, and contributed very materially to increase the spirit of opposition, and, perhaps, the turbulence with which it was in some places attended.”

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to the Board of Trade.

Wilmington 1st April 1765

I seize this opportunity by a ship which is to sail to-morrow from Fort Johnstone, to acquaint your Lordships Gov. Dobbs died at Brunswick the 28th of last month. I was escorting Lord Adam Gordon thro' part of this Province when the news of this event reached me. I returned immediately and last night took into my possession the Great Seal of the Province and the Governors commission: He delivered to me the 23^d of last month (a few hours before he was taken ill) his Majesty's instructions and many public letters from your Lordships' board, but as they were in a confused state, I have not yet made a complete arrangement of them or considered their contents. I spent two months in a tour thro' this Province, and am determined in my opinion that the public business of it can be carried on, no where with so much conveniency and advantage to far the greatest part of the inhabitants as at Newberne, a town situated on a neck of land at the confluence of the rivers Neuse and Trent. I expect a sufficient number of members to hold a Council in a day or two, when agreeable to His Majesty's instructions I shall take the advice of the Council relative to the time and place of holding the Assembly. As soon as the usual proclamations on these occasions are issued, I shall trouble your Lordships with such observations as occur to me on the present state of this Province; The public offices and records shall be the object of my particular attention. As I shall use my utmost diligence to send every intelligence I think will give either information or satisfaction to your Lordships, so, on the other hand, I flatter myself my representations in behalf of the Province will meet with a proper consideration and support from your Lordships, as such a countenance will give fresh life and strength to my inclinations and endeavors, and cannot fail of producing the best effects between his Majesty's Governor and the people.

I am with perfect respect &c

[N. C. LETTER BOOK S. P. G.]M^r Stewart to the Secretary [Ext^l]Bath, N^o. Carolina, April 2nd 1765REV^d SIR

Since my last dated in Nov^r nothing new has happened within my Parish, nor indeed in the Province, except the death of our Gov^r Arthur Dobbs Esq^r who died the 28 of March last, a worthy member of the Ven^{ble} Society's and a true friend to the Established Religion & the few clergy of this Province. M^r Dobbs was to have embarked in a few days for London, but I hope in God he has had a better remove. The many good Laws that he took care to have Pass'd in this Province, for the encouragement of religion will make his memory ever esteemed by the clergy. I was in hopes to have come over with him for my health & thrown myself at the society's feet, for transgressing their orders, for certain I am, when they had seen me, they would have granted me the indulgence so long requested & not have confined me here to a certain death after spending the vigor and flower of my youth in a constant but painful attendance on my duty, but however that is now over, while therefore it pleases God to spare me I will to the best of my endeavors prosecute the discharge of my duty and when strength fails I trust in his mercy that grace will abound, to my own edification & the edification of those for whom I was sent here

Yours &c^a

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to the Earl of Halifax

Wilmington 2^d April 1765

Last Thursday Gov. Dobbs retired from the strife and cares of this world. Two days before his death he was busily employed in packing up his books for his passage to England. His physycian had no other means to prevent his fatiguing himself, than by telling him he had better prepare himself for a much longer voyage. I have got into my possession the seal of the Province and many public papers the orders and instructions from your Lordship shall be obeyed with all possible dispatch. As my patron my Lord, I hope you will allow me to call on your Lordship's goodness, to forward his Majesty's most gracious promise to appoint me Governor to this Province.

I am, my Lord, &c^a

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

COUNCIL JOURNALS.

At a Council Held at Wilmington the 3^d of April 1765.

Present.

The Hon^{ble} William Tryon Esq^r Lieut Governor and Commander in Chief

| | | | | | | |
|-------------------------|---|----------------------|----------------|---------------------|-----------|------|
| The Hon ^{bles} | { | James Murray | William Dry | } Esq ^{rs} | | |
| | | James Hasell | Robert Palmer | | } Members | |
| | | John Ruthersford | and | | | } of |
| | | Lewis Henry DeRosset | Benjamin Heron | | | |

Was read His Majestys Commission To the Hon^{ble} William Tryon Esq^r appointing him Lieutenant Governor and Commander in Chief of this Province, on the Death or absence of the late deceased Governor Arthur Dobbs Esq^r.— And His Honor took and afterwards administered unto the several Members of Council now present the Oaths mentioned in an Act passed in the first year of his late Majestys Reign Intituled an Act for the further security of his Majesty Person, and Government, and his succession of the Crown in the Heirs of the Late Princess Sophia being Protestants, and for Extinguishing the hopes of the pretended Prince of Wales and his open and secret Abettors.

His Honor also made subscribed and administered to the said Members of Council, the Declaration mentioned in an Act of Parliament made in the 25th year of the Reign of King Charles the second Intituled "An Act for preventing dangers which may happen from Papish Rasusants.

His Honor also took an Oath for the due Execution of his Office, As also the Oath required to be taken of the 4th of George the Third, by Governors of Plantations, and the Members of Council now present

His Honor was pleased, By and with the advice and consent of his Majestys Council to order a proclamation in the following Words—

NORTH CAROLINA—SS.

By the Honourable Colonel William Tryon Lieutenant Governor and Commander in Chief in the said Province

A Proclamation—

Whereas, it is necessary for the peace and Good Government of

this Province that all Officers therein both Civil and Military should hold themselves Continued in their several places and employments, until my pleasure be further known; I have therefore thought fit, to issue this Proclamation, By and with the advice and consent of his Majestys Council, and do hereby Order signify and declare, That all persons who at the time of the Death of His Late Excellency Governor Dobbs, were duly and lawfully possessed of or Invested, in any office, place, or employment Civil or Military in this Province, And who have not been since removed from such their Offices places or employments, shall be and hold themselves continued in the same offices, places, or employments as formerly they held and enjoyed—the same until my pleasure be further known, And that the said Persons Do not fail, Every one severally according to his place, office, or charge, to proceed, In the performance, and execution of all duties thereunto belonging. And further I do hereby will and command all and singular his Majestys subjects in the Province, to be aiding and assisting at the Commandment of the said Officers In the performance, and execution of the said office, as they will answer the contrary at their perils.

| | | |
|---------------------|---|---|
| By His | } | Given under my hand, and to which I have caused to be affixed the Great Seal of this Province—at Wilmington this third day of April, In the Fifth Year of His Majestys Reign, And in the Year of Our Lord One Thousand seven hundred and sixty five |
| Honours | | |
| Command | | |
| Benjamin Heron Esq. | | Signed |

W^m TRYON

Ordered, that Express be sent with this proclamation directed to the Sheriff of each County, and to them to Certify by the same Express To the Secretarys Office, the time of receiving the same.—

His Honor was also pleased to order a proclamation for the meeting of the General Assembly for the Province at Newbern the second day of May next.—

Also to Order a Proclamation for Apprehending Alex Simpson late master of his Majestys Sloop the Viper who having fled Justice for the murder of Thomas Whitehurst late Lieutenant of said Sloop, And to offer a reward of fifty pounds proclamation money to be paid to any persons or person, who shall secure said Simpson, so as he may be brought to Tryal for the said murder.

At a Council held at Wilmington the 6th April 1765

Present.

His Honour the Lieutenant Governor.

| | | | | | |
|---------------|---|----------------------|----------------|---|----------|
| The Honble | { | James Murray | William Dry | } | Esquires |
| | | James Hasell | Robert Palmer | | |
| | | John Rutherford | and | | |
| | | Lewis Henry DeRosset | Benjamin Heron | | |

Was read sundry Patents for Land Viz, N^o 1 to N^o 130 inclusive, which were all granted except, N^o 76, 99, 100, 112, 119, 120, 121, 122, 123, 124 and 131.

The Honble John Sampson took the oaths appointed by Law for the Qualification of Counsellors, subscribed the Test, and took his seat at the Board.

Read the Complaint of John Polk upon Oath against the Honble H. E. M^cCulloh, setting forth the grievances of himself, and in behalf of many other Inhabitants, settled on the lands of George Selvin Esq^r on the Tract N^o 3 in Mecklenburgh County &c. Ordered That the Honble Henry Eustace M^cCulloh have notice thereof, and answer at the next Session of Assembly. In pursuance of which His Honour the Lieutenant Governor was pleased to write the following letter,

SIR.

Upon complaint being exhibited to me in Council on Oath by John Polk in behalf of himself and others settled on the Lands of George Selwyn Esq^r on the Tract N^o 3, I do by the advice of his Majesty's Council desire you will desist from any steps in Law to dispossess these People, till we meet at the General Assembly to be held at Newbern the 2^d of May next, where I expect to see you, at which I hope such measures may be mediated as will tend to the Quieting the minds of the Inhabitants and securing the Peace of his Majestys Province, without Injury to the Proprietor of the said Land,

I am, Sir, Your most obed servant

W^m TRYON.

Henry Eustace M^cCulloh Esq^r

Read sundry Warrants for Land from N^o 1 To N^o 433, Inclusive which were Granted N^o 41. and 74—withdrawn.

At a Council held at Wilmington 8 April 1765

Present

His Honour the Lieut. Governor.

| | | | |
|--------------|-----------------|----------------------|------------|
| The Honble { | James Murray | Lewis Henry DeRosset | } Esquires |
| | James Hassell | John Sampson and | |
| | John Rutherford | Benjamin Heron | |

Read sundry Warrants for Land from N° 434 to N° 513 Inclusive which were all granted, except No 463 postponed—

Read Sundry Patents for Land from N° 131 to N° 135, Inclusive.

Read the Petitions of Robert Kerr, Alexander Osburn and James Armstrong respecting their Lands, when they were ordered to file their Petitions for Resurveys.

Read Petition of Thomas Finney, in respect to his Patent purchased of Robert Dunn, N° 845 for three hundred acres of Land, Lying in Bladen County Dated 5th Feb^y 1754, Setting forth that said Patent interferes with older Patented Lands, and Prays Relief &c. Ordered, that there be a warrant of Resurvey of the said Land and Provided there is any Vacant Land joining the same the surveyor may take in the Quantity mentioned in the Patent, and return it accordingly to have it confirmed.

[N. C. LETTER BOOK S. P. G.]

M^r Moir to the Secretary (Ext^d)

N° Hampton, April 10, 1765

REV^d SIR:

Your favor of Nov 6, 1763, I Rec^d t'other day, it would have mortified me much to have incurred the displeasure of the ven^{bl} Society for being so free with Gov^r Dobbs, his character, had I been the only one in the Province that had a most contemptible opinion both of his morals & politics, as far as I can learn the news of his death were received with the greatest joy throughout the Province.

[N. C. LETTER BOOK S. P. G.]

M^r Earl to the Secretary (Extract)

N° Carolina. Edenton April 13, 1765.

REV^d SIR:

—————The church in this town which was built at a considerable expence, is in a very ruinous condition, Chiefly occasioned

by want of a vestry, our vestry Laws, for some years past being repealed in England as soon as they appear there, which is a great obstruction to the Building & repairing places of worship, and is a very great Prejudice to the Clergy. Our worthy Gov^r M^r Dobbs lately departed this life, who was a great Patron of Religion.

[FROM MS. RECORDS IN OFFICE OF THE SECRETARY OF STATE.]

COUNCIL JOURNALS.

At a Council held at Wilmington 16th April 1765

Present

His Hon the Lieu^t Governor

| | | | | |
|------------------------|---|----------------------|----------------|--------------------|
| The Hon ^{ble} | { | John Rutherford | William Dry | } Esq ^r |
| | | Lewis Henry DeRosset | Benjamin Heron | |
| | | John Sampson | | |

The Honble Charles Berry Esq^r took the Oaths appointed by Law for the qualification of Councillors subscribed the Test, and took his seat at the Board.

Read sundry Patents as p Patent Book, from N^o 136 to 199 Inclusive which were granted.

And sundry Warrants from N^o 514 to 548 Inclusive which were also Granted.

At a Council held at Wilmington 17th April 1765

Present

His Honour the Lieutenant Governor.

| | | | | |
|------------|---|----------------------|----------------|------------|
| The Honble | { | John Rutherford | Charles Berry | } Esquires |
| | | Lewis Henry DeRosset | and | |
| | | John Sampson | Benjamin Heron | |

Mr Murray President of His Majestys Council who has been a member of Council were since Feb^r 1739 here, Represented to his Honour that his health and family affairs require his presence in Boston in New England for some time, and pray'd leave of absence for twelve months from the time of His departure, which leave was Granted by His Honour the Lieutenant Governor.

Read sundry Patents as pr Patents Book, from N^o 199 to N^o 219, Inclusive which were Granted, Except No. 200, *Caveated*.

And sundry Warrants as pr. Warrant Book, from N^o 549 to N^o 569 which were also Granted.

Ordered that the Secretary remove to Newbern by the 2^d day of May 1765, where the Assembly is to be held, The Council Journals, the Chancery Docket, and Papers relative to the Causes to be heard.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to William Bull, Esq

Wilmington 22^d April 1765

Mr Maurice Moore; one of the Associate Judges of this Province, informed me that in compliance of the late Governor Dobbs' instructions to him to enquire into the conduct of Mr M^o Clenaghan, relative to Mr Hamilton's deposition inclosed in your letter of 13^a February last to his late Excellency, he had conversed with Mr M^o Clenaghan on the subject, who acknowledged to have delivered the precept mentioned in Mr Hamilton's deposition, but says he was not sensible that the deponent lived beyond the southward boundary line of this province; if this acknowledgement does not give satisfaction to the party, I hope he will obtain relief in a course of law; as I shall never give countenance to such unwarrantable proceedings as complained of

I have the Honor &c^a

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Lord Colvill

Wilmington, 22^d April, 1765

I have the honor to inform your Lordship by Capt Lobb of an unfortunate affair that happened in this country last month between Lieut Whitehurst and Alexander Simpson, both of the *Viper* sloop. Mr Simpson challenged Mr Whitehurst to fight a duel, the consequence of which terminated in the death of Lieut Whitehurst about six days after he had his thigh broke by a pistol shot, and his head wounded in several places by the butt end of a horse pistol, of which the pan was broke by the violence of the blows he received on the head from Mr Simpson, Capt Lobb is capable of giving your Lordship a minute detail of this affair, and I have ordered the depositions taken before Governor Dobbs and myself and of two midshipmen belonging to the *Viper*, previous to Mr Whitehurst's death, with a copy of the inquest on his body, The commitment of

Alexander Simpson, his escape, proclamation for the reapprehending of him, with the deposition in a court of law, taken, of the manner of his escape; all which proceedings, I have ordered to be fairly copied, and shall be transmitted to you as soon as possible; wherein I am satisfied, this government will not be found by the Lords of Admiralty, or your Lordship, to have given the least countenance to Mr Simpson's escape. As Mr Simpson conduct appears to have been actuated by the most savage principles of revenge, I own I was very desirous of putting him on his trial. He was severely wounded by a shot that passed under one of his shoulders and came out at his arm. It is generally believed he was carried to Virginia, as it was imagined he was in too weak a state to be carried to Europe, I shall write to Lieut Governor Fauquier on this subject,

I am, my Lord, &c^a

[FROM MS. RECORDS IN OFFICE OF THE SECRETARY OF STATE.]

COUNCIL JOURNALS.

At a Council held at Newbern 7th of May 1765.

Present

His Honour the Lieutenant Governor.

| | | | | |
|------------|---|-----------------|----------------|-------------|
| The Honble | { | James Hasell | William Dry | } Esquires. |
| | | John Rutherford | Robert Palmer | |
| | | Lewis DeRosset | and | |
| | | John Sampson | Benjamin Heron | |

The Honble Alex^r McCulloh, took the Oaths appointed by Law for the Qualification of Councillors subscribed The Test, and took his seat at the Board.

At a Council held at Newbern 9th May 1765.

Present

His Honour the Lieutenant Governor.

| | | | | |
|------------|---|--------------------|----------------|------------|
| The Honble | { | James Hasell | Charles Berry | } Esquire. |
| | | John Rutherford | William Dry | |
| | | Lewis H DeRosset | Robert Palmer | |
| | | John Sampson | and | |
| | | Alexander McCulloh | Benjamin Heron | |

The memorial of the Honble Henry Eustace McCulloh together with the Deposition of John Frohock, Mich^l Holt, Mr Giles, Col^o

Alexander and Captain Abraham Alexander, being presented to this Board at the request of Mr McCulloh by Mr Edward Fanning, were received and not being able to proceed thereon for want of John Polks' Petition of Complaint left in the Secretarys Office at Wilmington it is Ordered,

That the said Memorials and Depositions lay by and the hearing Adjourned till the said Complaint appears and also Ordered, the said papers be immediately sent for.

Ordered a Proclamation, issue requiring all persons holding Lands by Virtue of Patents Granted in South Carolina, be brought in to be recorded in the Secretarys Office, by the 25th day of April next (which was Viz)

NORTH CAROLINA—SS.

By the Honorable William Tryon Esq Lieutenant Governor and Commander in Chief in and over the said Province,
Proclamation

Whereas, it hath been represented to me in Council That several Persons hold Lands in this Province by Virtue of Patents Granted in South Carolina, before the running the temporary Boundary Line between the Two Provinces in September Last—In Order therefore to discover what Lands are truly and *bona fide*, so held; to prevent disputes, and future Grants of such Lands; and for Quieting People in their Possessions; I have thought fit, by and with the Advice and consent of his Majestys Council, to issue this Proclamation, hereby enjoining and requiring all Persons, who in virtue of a Patent or Patents issued by the Governor or Commander in Chief of South Carolina, before the 24th of September last, are possessed of any Lands within the Present Bounds of this Province, according to the Line run by the Commissioners of the said Province, to produce such Patent or Patents before me in Council, at Wilmington, on or before the 25th day of April next, that proper Orders may be given for recording thereof in the Secretarys Office, as a failure herein may operate to the Damages of the Party neglecting.

Given under my hand and seal of the Province at Newbern the 9th day of May Anno Domini 1765

Signed W^m TRYON

By his Honours Command

Ben. Heron—Secry.

God save the King.

TO THE HON^{ble} COL WILLIAM TRYON LIEUTENANT GOVERNOR OF
HIS MAJESTY'S PROVINCE OF NORTH CAROLINA &C &C AND THE
HON^{ble} MEMBERS OF HIS MAJESTYS COUNCIL FOR THE SAME.

The Memorial of Henry Eustace McCulloh.

Humbly Sheweth;

That on the 17th day of this Instant April, Your Memorialist receiv^d a Letter addressed to him by His Honour the Lieutenant Governor in the following Words—

“SIR,

“Upon a Complaint being exhibited to me in Council on Oath by John Polk, on behalf of himself and others settled on the Lands of George Selvin Esq^r in the Tract No 3, I do by the Advice of His Majesty's Council desire you will desist from any Steps in Law to dispossess these People, 'till we meet at the General Assembly to be held at Newbern the 2^d day of May next where I expect to see you; at which time I hope such Measures may be mediated, as will tend to the quieting the Minds of the Inhabitants, and securing the Peace of His Majesty's Province, without injury to the Proprietor of the said Land.”

That on the perusal thereof, Your Memorialist could not help observing with the utmost surprise and concern, that there had been Attempts made to prejudice him in the Opinion of this Honourable Board, in relation to his Conduct in the Management of the Trust repos'd in him by M^r Selvin; and that too perhaps not altogether without effect, as Your Memorialist can hardly conceive, that this Honourable Board would have thought proper to have taken this, (as he most humbly submits it) extraordinary step, unless they had it in their Opinion, that he was intending to exercise whatsoever Power might be in his hands, in a manner repugnant to natural Equity, and to the Peace and Prosperity of the Province. But altho upon this occasion Your Memorialist finds himself under an absolute necessity of Insisting as well on behalf of himself, as of every other of his Majesty's subjects in this Province, (but at the same time with all due submission to Your Honours Superior Wisdom and Judgment) That this Honourable Board cannot have any Right, consistent with Law, to interfere in a summary manner in the decision or direction of disputes concerning private Property; Yet Your Memorialist is, and at all times will be ready to pay a cheerful obedience to Your Honours desires (as far forth, as he can

do it, consistent with the Principles of Law) and to that end shall most cheerfully embrace the opportunity which is hereby afforded him, of submitting himself and his Conduct in Life to the impartial Examination of the Honorable Board, and of the Public; Happy in the assurance of His own Mind, that there requires nothing more than a plain summary of such his Conduct, to defeat every improper impression which could possibly have been made by the most artful Misrepresentations of his Enemies; and that when this Honorable Board and the Public have the facts before them, they will be convinced, it has been the principal Motive of Your Memorialist's whole exertions to deserve and obtain the sanction of an approving Conscience in the first place, and the good opinion of the worthy & Judicious part of Mankind in the next

That from His Honor the Lieut^t Gov^rs Letter before set forth, Your Memorialist is given to understand that there is a Complaint lodged by one Polk, whether against him or not, does not appear, but that he is the subject of it—remains no doubt; but Your Memorialist having never seen any Copy of the Complaint, and not having been able to learn the particulars thereof, (notwithstanding he has heard it is very Voluminous, and has made every enquiry in his power for that purpose) it cannot be expected that he should make answer thereto particularly; neither indeed does Your Memo^{rs} apprehend himself under any legal necessity of answering anything of this Nature before this Hon^{ble} Board, further than with a submissive View of Manifesting his respect, and the desire he has to meet with Your Hon^{rs} entire Approbation—Unconscious to himself from what part of His Conduct it is, that Your Memo^{rs} is to have Accusations or reflections formed against him, he most humbly begs Your Hon^{rs} Indulgence to lay the whole before you; and if from the Nature of the subject, he should be drawn in to make this Memorial of any considerable length, he flatters himself from the importance of the subject (it being in the defence of the dearest Good which any Man can possess,—his Character) will with Your Honours most sufficiently plead his excuse, and engage your impartial attention.

That Your Memo^{rs} Father and several others in the Year 1737, Obtained an Order in Council from His late Majesty King George the second, for a large Grant of Lands in the frontier, and then unsettled parts of this Province; and in consequence thereof, sundry Grants were issued under the Seal of this Province to him and to his associates, (of whom the present M^r Selwyns Father was one)

which Grants bear Date the 3^d day of March 1745 (O S) and are now on record in the Secretarys Office. That on or about the Year 1747 when Your Memo^s Father was about to leave this Province, Your Memo^t has been informed that he published advertisements, declaring that any Person who should settle on any part of his Lands within two Years from that time, and take up their places contiguous, should have the Land at 5£ Sterling the hundred acres ready Money. That Your Memo^t mentions this fact from memory of a Conversation passing between his said Father and himself on the subject; as he never saw the said Advertisement, or could ever meet with any Person who could give the least certain or intelligible account thereof; and therefore insists that such was the Tenor of the said advertisement.—Your Memo^t Father soon after going to England and being engaged in sundry disputes with the late Right Hon^{ble} John Earl Granville concerning the said Lands, they in a manner lay dormant for many Years, that is to say from the Year 1745 to the Year 1755, when the said Earl and Your Memo^t said Father coming to an agreement, Your Memo^t Father constituted the Hon^{ble} Alexander McCulloch Esq^r and John Campbell Esq^r: together with some Gentlemen in Charles Town, his Attorneys to manage his Concerns in this Country. That Matters continuing in much confusion, occasioned by the Misrepresentations of the Title which were continually instilled into the Minds of the People seated on the Lands, by designing persons who might, propose to themselves some view of sharing in the Spoils of Your Memo^s Father's said Property, could they by spreading disgust between him and the People, finally oppress him out of his Right,—Your Memo^s Father's said Attorneys (notwithstanding their most friendly and Zealous exertions) found themselves unable to advantage his Concerns in the manner they could have wished, and gave him notice thereof; Upon which he in the Year 1761 thought proper to send over Your Memo^t with full Powers to Act for him.

That upon Your Memo^s arrival in a strange Country, Young in Life, Knowledge, and Experience, and totally unacquainted with the real circumstances of his Fathers affairs (having everything to apprehend from the Underhand designs of his Fathers Enemies; having scenes of Business to enter upon, which had been ever perplexed and confused, and a multitude of People to deal with of different dispositions tempers, and capacities for in an open Property free for every one, such as your Memo^t Fathers, he submits

there was the greatest probability that it would in many parts be seated by persons desperate in Circumstances, Character and Knowledge) Your Memost concluded within himself to lay down a few settled Rules for his conduct and after he had squared those Rules according to the best light of his reason and Conscience, most steadily and invariably to pursue them.

That accordingly in a few Months after his arrival, Your Memost went up to his Fathers Lands in Rowan County, the settlers of which had not long before that, been instigated to some very illegal acts of opposition; That Your Memost calling them together laid his Terms before them, the general substance of which were as follows;— That his Price was from £12 to £5 sterling a hundred acres, according to the Quality of the Land; and that every Man should have the refusal of his place without the least Charge or advance for situation or Improvement. And upon this head your Memorialist most humbly begs Your Honorable Indulgence to make an observation, that could Your Memost or His Father have reconciled it to their way of thinking, they might have made many Thousands more out of their Property than they have done, as the Law gave them as indefeasible and undoubted a right to the Improvement as it did to the soil; and further that the Value of the Improvements on their Lands much exceeded the Value of the soil.) To go on,— Upon hearing these Terms, some of the settlers observed to Your Memost upon such his Fathers Advertisement, upon which Your Memorialist made answer, that altho he was a stranger to the existence of any such advertisement, yet he would readily agree to let them have the Lands upon the Terms thereof; which Your Memorialist might well have done, as it would have amounted to much more than the Price he demanded: For as Your Memorialist then observed to those settlers, and now begs leave to submit to Your Honours cool reflection,— Supposing the advertisement to direct the Terms of the sale, the Party settling and purchasing could not have expected otherwise than to have paid the Quit Rents from the time of such settlement and Purchase; and the Party selling and receiving the Money would certainly from that time to this, have enjoyed at least the Legal benefit of its use: That interest is what the Laws of all well regulated societies allow in lieu of the use or advantage of a ready receipt of Money, and is consistent with the more tender Principles of Natural Equity; and that if your Memost Father was to Abide by such his agreement, it must be taken in toto as well for

him as against him, and consequently the Quit Rents of the Lands, and the Interest of the Purchase Money became instantly his absolute Right.—This plain Deduction of reasoning they could not but be immediately sensible of, and accordingly finding (as the truth is) that the Price demanded by your Memorialist at an average £8-10-0 Sterling p hundred was not much more than equal to one half of what the Terms Under Your Memorialists Fathers said Advertisement would Amount to, they universally and most Cheerfully complied with such Your Memorialists Terms; in which Conduct they have been since imitated by all the several different settlements on Your Memo^{ts} Fathers Lands.

That in Consequence of this happy situation of affairs between Your Memorialist and his Fathers Tenants. he proceeded to lay off their several Plantations, in doing of which Your Memo^t even suffered them to direct the Compass, and hardly ever interfered, except to determine such disputes as might arise between Neighbors concerning their Lines when they could not be prevailed upon by his pressing Recommendations to settle the Matter (as he always wished they would do) between themselves. That it is now going on four Years since Your Memorialist has been most Assiduously employed in those Affairs, during which time Your Memorialist has laid off and disposed of the whole of his Fathers Tract to the Westward, to the Persons Seated thereon and others and given Titles for the same. And Your Memorialist here most humbly begs leave to observe to this Hono^{ble} Board, that it has ever been the boast of his own Mind, that in the Management of a Concern, so extensive in itself, so various in its Circumstances, and depending upon so many different Parties, he never had the least dispute or difference with any one, or occasion to Commence any but one single suit against one Sheppard, who had put his Fathers Title to defiance, and whom nevertheless Your Memorialist afterwards upon his submission forgave, and let him have his place without any advance. That Your Memorialist humbly insists the means he made use of to accomplish his Business in this much to be desired way, was to endeavour to do equal Justice to all; to grant every indulgence of time which honest poverty could ask, and never to add to the distresses of the unfortunate by a rigorous demand of the performance of their Contracts. That in the whole of your Memo^{ts} proceedings he ever gave the refusal of the place to the Party seated on it, without any Charge for the improvement (except in a Manner which by Your Memo^{ts} Fathers express

Orders had been laid out for him on the Yadkin River, several Years before Your Memorialists came into the Province) That in so doing he had often disposed of Places for £30 or £40 the Improvement of which many Years before had sold from One to Two Hundred Pistoles; That throughout all the Tracts which he has had the Management of, the Number of Persons who have declined purchasing their Places is altogether trifling, the settlers having almost to a Man very cheerfully accepted of the Terms; which Your Memost must submit is a strong proof of their having been reasonable and agreeable to the settlers, and happily calculated for the Ease and Advantage of the poorer sort of his Tenants; which Your Memost flatters himself he has great reason to insist they were, as he never made the least difference between those who had Money to pay for their Places, and those who had none. And Your Memost begs leave to observe, that this is the course of such a Concern it may necessarily be imagined that he must have received Bonds from the People, to the amount of several Thousand Pounds, and that many of them must have much overrun the time of payment, Yet he submits it to Your Honour, that he never suffered his necessities to influence him to bring so much as a single suit upon them.

Such may it please Your Honour, Your Memorialist insists has been his Conduct in the Management of his Fathers Property. He will not now subjoin those Observations which he submits naturally arise from the facts but defer them to the close of this Memorial, and shall now proceed to the Occasion thereof, his Behaviour as it relates to the discharge of the trust imposed in him by M^r Selwyn

As your Memorialist before observed M^r Selwyn's Father was one of the Original Associates; that part of the Lands which fell to his share lay under much the same circumstances as Your Memost Fathers, 'till sometime in or about the Year 1757 when the present M^r Selwyn impowered the Hon^{ble} Richard Speight Esq^r deceased, & the Hon^{ble} Alexander McCulloh to act for him, who on account of the disturbance occasioned by the Indian war, found themselves unable to render him any service. That soon after the Death of M^r Speight it was mentioned to Your Memost to accept of a power to act for M^r Selwyn which he then declined, being well acquainted with the many disagreeable scenes, and heavy exertions both of Mind and Body that would attend the just discharge of a Trust of that Nature; But Your Memorialist's Father afterwards observing that there was some Intercourse of Business depending between M^r Sel-

wyn and him, and apprehending it might be of service to M^r Selwyn to have his affairs in your Memorialists Hands, unknown to your Memost undertook for him (Your Memost) to M^r Selwyn who there-upon appointed Your Memost Father and Your Memost his joint and separate Attorneys for the Managem^{nt} of His Interest in this Country; which Power of Attorney he received in May last and had immediately recorded in the Secretary's Office.

That upon Your Memost receiving the said power and agreeing to Act under it, he took upon himself as bound in Honour and Conscience to act for M^r Selwyn's Interest, in the same manner and with the same Zeal he had done for His Fathers, and being well acquainted with the unsettled and Arbitrary Notions of the Persons who had seated themselves down upon M^r Selwyn's Lands, he expected to meet with much Trouble in the Discharge of the said Trust; which he might reasonably imagine might be the Case when he reflected upon the injurious & contumelious Treatment His late Excellency had met with in the same Parts, and upon a similar occasion.—That Your Memost therefore in order to prepare matters for an amicable Settlement of Affairs in the Months of June, July & August last, undertook a Journey to those Lands which lie in Mecklenburgh County, for the purposes aforesaid, and for the purpose of running the Outlines of the Tract No 4 adjoining to M^r Selwyns wherein Your Memost holds a considerable quantity of Land in his own Right.

That upon Your Memost arrival, he was given to understand that many of the Settlers upon M^r Selwyns Lands and the late Governors intended to hold to the South (as they termed it) and oppose their running any Lines; giving out at the same time the greatest threats against his Life and Person;—That Your Memost nevertheless proceeded to run the said Boundary Lines, accompanied with a number of his Friends Armed, which he did unmolested, altho he had been well informed and believes that the said persons had a meeting that day to execute their designs, but upon further consideration thought proper to drop them.

That a very large number of these South Men residing on M^r Selwyn's Lands, Your Memost dread arose altogether from them, as the other Settlers seemed very well disposed—That Your Memorialist considering it would be extremely burdensome to him to make his Terms known to every individual in the Tract, recommended it to the Settlers to have a meeting and to choose and Authorize 4

Persons to meet and treat with him on the Subject; that accordingly they did so; and in a day or two after, Your Memost met those Persons, whose Names were, James Norris, Thomas Polk, James Flannigin, & George Allen, with whom Your Memost had a long Conference, the result of which was, that they thought his Terms just and reasonable, and that the People might be well satisfied therewith: and upon their desire, that he would give the substance of them in Writing, Your Memost drew up and signed a Paper containing his said Terms Copies of which he delivered to each of them & which is in the following words

Viz^t:

“Terms Offered to the Settlers on M^r Selwyn’s Lands by Henry

“Eustace McCulloh as Attorney for the said Selwyn.

First “Every Person settled shall have the first Refusal of his place without being liable to any Charge for Situation or Improvement; or the risk of losing the same by reason of any greater Offers, provided he is willing to satisfy the Proprietor the same is Wood Land, according to the Valuation to be fixed thereon.

Such as may not be able to pay down the Purchase Money, shall have every reasonable indulgence of Time granted for that purpose: So that poor and Rich shall stand one equal Chance to secure their Labour and their Hopes.

Such as may repent of any Agreements which they may enter into with me, within 3 Years shall have an absolute Right to demand from me, a Cancelling of the same and a return not only of the Principal, but of the Use or Interest of their Money in full; which may convince any Man of the least Reason, that he cannot with me possibly make a bad Bargain as he may at any time within 3 Years take which end of it he pleases. — This I flatter myself must Absolutely stop the Mouth of Objection.

To do equal Justice to all, the Lands shall be sold Ad Valorem, that is according to Value, the price of the best £12 Sterling ⁷/₈ hundred, the meanest £8 (N B Your Memost afterwards offered to reduce the last to £5 and so in proportion according to Quality. Circumstances of Time, Expenses, and the real Value of equal Lands considered, I must insist that the Regard which the Proprietor shews to the supreme Law of Natural Conscience and Equity, has induced him to part with his Lands for one third the real, Intrinsic and inherent Value thereof, for this I appeal to facts and the reflection and recol-

lection of the Gentlem^a whom the People Elected to meet and settle the Terms with me.

Provided no Injury is thereby offered to any Neighbouring Lands or Plantations, the places shall be run to the greatest advantage as to Wood, Water, and Soil without regard to Courses or Corners.

I do not propose to sell less than 200 Acres and no Man I think would wish it otherwise; but where the particular situation of the Places make it reasonable that I should do so, I have it in my will as well as in my Power to do otherwise.

Such as stand Ejectments, have no favour to expect. Quit Rents shall only be demanded from the time they were actually paid out of Pocket by the Proprietor; that is from the 25th of March 1760—And where the Party^s has not been so long in Possession from the Time of such Possession only.

The Title Deeds may be agreed upon by the People and shall meet my Acceptance.

I shall not look upon myself as absolutely bound to anything in this Paper, so as to prevent my being grateful to my Friends and just to my Enemies.

No Persons are to settle upon any part of the Lands from this Day.

These are in general the substance of what passed in Conversation, and seemed reasonable and Equitable to Mess^{rs} Polk, Norris, Flannagin, & George Allen, the Gentlemen whom the Settlers chose to meet and consult me on this head—Such as they are, the people may depend upon my Resolution to support them, and to vindicate the Rights of my Employer. Conscious as I am of their extream Lennity and that sacrifice of Interest which is offered to insure a favourable acceptance of them from the People, I must, and do hope, and insist, that I shall meet with that return from them which I may deserve: and they may depend upon finding me in every Instance, the thing I profess—Compassionate to the Poor, fond of my Friends—and not willing to remain indebted to my Enemies.

In January I shall return to lay off the Lands.

These May it please Your Hon^{rs} are the Terms at large, which Your Memo^s as Attorney for M^r Selwyn offered to the Persons seated on his Lands: And altho Your Memo^s intends to defer his observation to the close of his Memorial, yet he cannot here refrain from humbly demanding the opinion of this Hon^{ble} Board and of

the Public—Whether these Terms indicate oppression, hardness of Heart, or want of Compassion to the poor? Whether consistent with the least pretensions to Honour, Conscience, or the sacred Nature of a Trust, he should have offered M^r Selwyns Property of equal Value with Your Memo^{rs} Father's Property, for a lesser Price.

To go on with the narrative of Your Memo^{rs} Behaviour, he is to observe to your Hon^{rs} that after having laid these Terms before the People he proceeded down the Country, with an assurance of having removed every dread of opposition, and with an intention of returning to lay off the Lands at the time appointed; and that accordingly in February last he came up into these parts with that design, not at all imagining he should meet with the least opposition from the Settlers. And altho Your Memo^{rs} was given to understand on his coming up, that several of them had combined together to oppose him yet he did not pay the least regard to any such Informations, till upon his coming upon the 4th day of last March to his Lands in Rocky River, he was informed that there had been that day between 30 & 40 of the Settlers on M^r Selwyn's Lands there, with a design to oppose his coming upon the Tract. That your Memo^{rs} unknowing how he could have given them cause for offence, and steadily determined not to give up the Cause of his Employer, on the next day proceeded to the house of Captain Abraham Alexander on Shugar Creek (one of the Settlers on M^r Selwyn's Lands) where he found 150 Persons assembled as near as he could judge: That some little time after his arrival, Your Memo^{rs} called in the People and produced to them Copies of M^r Selwyn's Patents taken from the Records in the Secretarys Office, and duly Certified:—That warm & Labouring under a sense of their ill return to his kind intentions to them being then well acquainted with their having joined themselves together in an illegal Bond, under the forfeiture of all they possessed in the World, to oppose M^r Selwyn's Right, and provoked at their then manifest designs of endeavouring to terrify Your Memo^{rs} into dishonourable Concessions, he readily owns he did without much ceremony lay the folly and consequences of such their intentions before them, and that he did declare in the solemn Name of God, that in case they persisted in them they should from him never meet with forgiveness. That they thereupon told him they would take some time to consider of what had been said; and in about an hours time upon Your Memo^{rs} going out among them, they came up and surrounded

him and made him an offer of £10 Proc a Hundred, which Your Memost rejected with becoming Warmth, as such their Offer was made with the utmost insolence, and the most manifest designs of terrifying his Resolutions and was accompanied with the most contemptuous expressions of defiance;—that they continuing to press upon, Your Memorialist alone among them, he solemnly declared it was his then opinion they had a design upon his Person; that these people at the same time gave Your Memost a Paper for his Perusal, which he then thought it prudent to return them and never afterwards could get a Copy of it, tho he well recollects that the substance thereof, was as follows—That the People to the number of 143 had joined together not to suffer him to act for M^r Selwyn unless he agree to let them have the Land from £10 to £12 Proc: ̄ hundred—that if Your Memost would not agree to those Terms they would not permit him to survey or suffer any Sheriff or other Officer to serve any process on them on behalf of M^r Selwyn. Your Memost justly irritated, at this Treatment and declaration, and the insolent Language with which he was used (they continually gathering round him and talking to him in the most insulting manner) Your Memost does allow, that he did endeavour to manifest the steadiness of his purpose, by repeated and proper declarations of his Resolutions to survey the next day; on which declaration some of them had the insolence to defy Your Memost in the most affecting manner, and others to tell him by way of friendly advice (as they insultingly pretended) not to try, for that if he did, the best usage he should expect to meet with, would be to be tied Neck and heels and be carried over the Yadkin, and that he might think himself happy if he got off so. Your Memost continuing still firm in his Intentions, told them the Hour and Place he intended to survey at the next day, and they departed declaring they would keep a Guard over him to watch him all the while he stayed, and that he never should; and dropping Expressions which would have given the justest apprehensions to any Man to fear for the safety of his Life.—Distressfully situated as Your Memost was, he was yet firmly resolved to abide the Issue of the next day—as he was sensible to retreat was to sacrifice every hope of success, and perhaps for many Years to deprive M^r Selwyn of the benefit of his Property.

The next day being Wednesday the 6th of March on Your Memosts rising in the Morning the first sight he saw was two of the Persons who had been there the day before) sitting upon the Fence with

Guns in their hands, and by Nine o'Clock Your Memo^t apprehends there might be near a hundred of them gathered together. — At that time Your Memo^t declares that he little suspected that the present head and Chief of these People, (Thomas Polk) was one of their number, as he had ever endeavoured to distinguish him, and had no longer than the day before given him assurances that he should meet with every favour from him that he could reasonably ask, but that on a Conversation had between Your Memo^t and the said Polk on Wednesday Morning, Your Memo^t found out he had been deceived in him, and upon his declaring so, the said Polk answered that Your Memo^t might depend upon it neither he nor the People would ever suffer any Sheriff or other Officer, to serve any precepts upon them on M^r Selwyns behalf; or permit Your Memo^t to run out any of the Land, not even for persons who were desirous to agree to the Terms & purchase from M^r Selwyn. — Amazed at such a Conduct from a person Your Memo^t little expected it from, and fixed in his opinion that there was the greatest probability of their design to injure either his Life or Person, Your Memo^t does with concern acknowledge, that in a Moment when he was not himself, the said Polk by his taunting Language and insolent Behaviour, provoked Your Memo^t into a single expression concerning His late Excellency Governor Dobbs, which he is fully sensible nothing but a consideration of his then distressing situation, and feelings, and of his subsequent Behaviour, could possibly excuse, and which has ever given him a proper concern. At sundry times when Your Memo^t was surrounded by these People they put several questions to him about the surveying and other things, but Your Memo^t confesses that full of the sense of their injurious Treatment, and determined to the uttermost not to Yield to the meanest of all Motives (the Law of brutal force) Your Memo^t told them his body was in their power, his Will in his own, that they might tear him Limb from Limb but should not compel him to hold any Converse with persons who behaved to him more like Wolves than rational Beings; and Your Memo^t does not recollect that he made use of any other expression of aggravation to them, except the Above, & now and then telling them (what he thought) that they were a parcel of Blockheads; all which a Consideration of Your Memo^t most singular situation, he flatters himself will sufficiently excuse. — At the hour appointed Your Memo^t proceeded to the Plantation of M^r James Norris (who came

to him and expressed his desire to have the same laid out) accompanied by the said Polk and large of 100 more of his Gang many of whom were Armed with Guns—who encompassed Your Memost in a most ignominious and taunting manner; and among other pieces of Insolence some of them asked Your Memost whether he had not great honour done him, and whether he thought he would have as many Men attend him to his Grave or not? and whether that day was to have been the last of his Life or not, Your Memost most solemnly declares before God he was for many hours uncertain.—Please Your Hon^{rs} but for a moment suppose Yourselves in Your Memost then situation, and judge for him of the Treatment he has receiv'd from these People who represented themselves as fit objects of Your Hon^{rs} Compassion & interposition!—When all came to the Place where M^r Norris chose to make his beginning, Your Memost asked him whether he was willing to have his place surveyed for him by Your Memost as Attorney for M^r Selwyn? to which he replied in the Affirmative, and told the people that he wanted none of their interposition: Upon this Your Memost turned to them, and asked by what Authority they pretended to hinder him? they replied they would not then tell him:—Your Memost then demanded whether it arose from any doubts of M^r Selwyn's Rights, or his Power to Act for him? to this Sundrys answered, without any Contradiction from the rest, that they did not deny either M^r Selwyn's Right, or Your Memost Power to Act for him: Your Memost Surveyor then proceeding to fix his Compass and the Chain Carriers having the Chain in their hands,—M^r Polk's People—gathered tumultuously round them, and notwithstanding Your Memost made a solemn and a legal Proclamation in the Majesty's sacred Name to disperse the Riot, they paid no regard thereto, but contemptuously seized and broke the Surveying Chain in several pieces;—And Tom Polk (as Your Memost is well informed and believes, for tho Your Memost was within 4 foot, the Press was so great he could not plainly distinguish) with his own hands took the Compass off the Staff. After this was done, and Your Memost found that to persist would be to no other purpose than to incur the greatest risk of losing his Life—the said Polk in the Name of the whole made Your Memost a proposal of £15 Proc a Hundred, in a general manner, and whether in earnest or with a View to try Your Memost he cannot say. In Answer thereto Your Memost gave them no ill Language at all, but only told them, the day might come when they should

repent of what they had done; that it was true his Life was in their power, and that they might take it before he would be guilty of the meanness of entering into any Treaty. Upon which Polk told him that they would wait his Answer; which Your Memo^t agreed to give them in Writings: and accordingly the next day when his Recollection had in some measure got the better of his just resentment he wrote to the said Polk as follows

“SIR

In Compliance to the Word I gave Yesterday to you as Leader and Spokesman of that unthinking Multitude who have by the most daring opposition to the Laws of this Country, subjected themselves to certain ruin, I am to inform You, and thro’ you them, that I shall not comply with the Terms you dictated.” [The next eight MS. pages of this document are missing.—EDITOR.] daring breach of the Peace of His Majesty’s Government, endeavored to awe and terrify one of his subjects, at the dread of his Life, to dispose of his property at such a rate as they thought proper to dictate. Sure, may it please this Honorable Board, such Proceedings cannot justly demand the powerful Interposition of the Chief supporters of His Majestys Peace and Government in this Province. What hardships what Injuries have offered them? What toils do they dread that they have most deliberately brought upon themselves by their unlawful Conduct?

There are some particular Circumstances in the Conduct of the said Mr. Polk, which your Memo^t apprehends are worthy of being observed upon; being the only Man who has any pretence to sense or weight among these deluded People, Your Memo^t has been creditably informed, that if he had not declared himself for them the second day they would have submitted; and Your Memo^t asserts that he is the sole apparent Cause of the Opposition M^r Selwyn meets with in his just Rights. Another Circumstance of his private Behaviour justly indicates his Principals of Action.—Sometime ago under the most solemn assurances of returning it, he obtained from a Friend of Your Memo^t the liberty of Perusing M^r Selwyn’s Original Power to Your Memo^t and having in that manner got it into his hands refuses now, in Breach of every sacred Right of Trust and Honour, to deliver up Altho Your Memo^{ts} Right thereto is undoubted; But Your Memo^t makes no doubt he will receive it in

Command from this Honourable Board so to do, And Your Memo^{ts} submits this fact to Your Honours reflection as a proof of the unjust and abhorrent means which are made use of against him.

Another fact which marks the Spirit with which these People are Actuated is, that on Your Memo^{ts} having subpoenaed some indifferent persons to attend and give Evidence on His Majestys Behalf before the Grand Jury, they publicly declared that if they offered to pay Obedience thereto, they would tie them; and further that if any of their Associates should be put in Salisbury Jail, they would come with an Armed force and tear the Prison down, and loose them; and tho' Occasion was not given them to execute such their avowed purpose, they thought proper to serve the several Persons Subpoened as above with a Written Paper, discharging them from giving their Attendance in Obedience to such His Majestys Precept, and containing several implied Threats against them if they did not pay a due regard to such their superior Authority.

Your Memo^{ts} having thus gone thro' the Chief facts of his Conduct, shall beg Your Honours further Indulgence to add a few general Reflections which seem to arrise from the Nature of the Subject; tho he most humbly insists that nothing more is requisite to Vindicate his Behaviour from every aspersion of Injustice, or want of Consideration, than a Naked View of facts and things. He flatters himself that it will appear to this Hon^{ble} Board and the Public, that he has ever endeavored to act upon the strictest Rules of Honour and Conscience; that he has made a sacrifice to his own feelings, of many Thousand Pounds worth of a Property, which the Law absolutely vested in him; that he has ever acted so as to put in the Power of the poorest Man upon his Lands, to secure his place as well as the richest, Never paying any regard to Offers of ready Money; that he has never suffered his own pressing calls for Money to urge him to demand a rigorous performance of the peoples Contracts; that the Price fixed upon his Lands was far under the real and Intrinsic Value thereof, as is evident from a Comparison of it with the Price which Property of equal Quality and situation is selling at now; that he ever declared and hereby declares, that if any Person whomsoever, with whom he ever had any Dealings or agreements, conceived or conceives himself aggrieved or dissatisfied, he was, is and ever will be ready to return the Money and take back the Land. That proceeding upon these principals Your Memo^{ts} has ever conceived himself happy in the Universally

favourable acceptance of his Conduct by every person with whom he has had dealings.—That in relation to his Conduct in the Execution of the Trust reposed in him by M^r Selwyn he hopes it is such, that upon the strictest examination will do him honour with every thinking Man: For his own part Your Memo^t is at a Loss to Judge what other Conduct was left him to pursue; unless he had tamely given up and betrayed the just and Conscientious Interests of a person who had put a Trust in his hands; and unless he had meanly submitted himself to be terrified into Concessions by the Brutal Law of force: which alternatives he flatters himself no Man will hesitate to pronounce him right in despising.

Your Memo^t submits that it must strike Your Honours, that the Terms proposed to M^r Selwyn's Tenants were most Conscientiously just; and far more favorable than those which had been received with the utmost Chearfulness by the settlers on his Fathers several large Tracts. That he cannot conceive the particular Circumstances that make them Injustice to the People alone— That as to their being obliged to leave the Province, in case they find they cannot succeed in their designs to force the Proprietor to submit to their determinations, Your Memo^t conceives it mere matter of Exaggeration; as he asserts that it would not (most probably) have been the Case, as his intention was to have contented himself with making Examples of some of the Ringleaders. But granting for argument sake, that their illegal and insolent Behaviour should produce that Effect, Your Memorialist own he is at a loss to conceive, how the prosperity of the Province would be affected by the removal of a few Men, who have by their actions plainly declared themselves above the Power of the Laws of their Country, further than as it might suit their Conveniency, and who for many Years past, taking advantage of the disputes subsisting between this Province and South Carolina, have refused paying obedience to the Laws, or contributing to the support of the Government of either. Your Memo^t rather insists it would be an advantage to this part of the Province, as thereby that Leaven of Riot and opposition to Law which has so long subsisted here, would be removed; and the places of these factious persons supplied by honest quiet and industrious Families from the Northward. And should the Effect of a few of them removing take place, Your Memo^t engages there will not be one Vacancy the more in eighteen months time; and this every Man who knows the state of this part of the Country, and is acquainted with the present

Migrations from the Northward, must be sensible of—so that your Memost Insists that this Evil so dreadful in its appearances (a Consideration of which he apprehends has been the Cause which chiefly moved Your Honours to interpose in these matters) on examination appears to be matter of Declaration and no more.

Your Memost humbly begs Your Honours seriously to reflect upon the Behaviour of these People, and to Contrast it with his Conduct on this occasion—Will it not thereupon appear manifest to this Honorable Board, That these people without having received the possibility of umbrage from Your Memost (as will appear from his never having had any Connections in Business with them) without having the least just Objection to the Terms offered them, associated themselves together under heavy Penalties to trample upon the Laws of their Country, and to oppose Your Memost in the just prosecution of an acknowledged Right? That by every appearance of force and terrifying measures in Contempt of the Peace of the Country, and in Total subversion of that quiet Enjoyment and use of Property, which the Wisdom of our Laws has provided for such Persons as appear justly entitled to that Property, they actually endeavoured to force Your Memost to dispose of such his Property against his Will, and at the risk of the forfeiture of his Life if he refused a compliance with their Terms? Has not Your Memost by this their Conduct been deprived of that freedom of action in the disposal of his property, which the meanest of His Majesty's subjects under our thrice happy Constitution has an undoubted Right to? Was not Your Memost at the same time engaged in the Lawful and Conscientious prosecution of a just Right? Were not his Terms such as might have reasonably given him Cause to expect a very contrary Behaviour from those People? Has he not been insulted, surrounded threatened and put in Manifest fear of his Life by those very Persons who have represented themselves to Your Honours as subjects of his oppression?—And injured as he was, has not Your Memost throughout the whole transaction, manifested the most Compassionate sense of their Errors, the most forgiving frame of Mind—Though Your Memost declares, if there is anything he never can forgive, it is the unmerited attack which may have been made upon his character.

And here Your Memost begs leave to submit it to Your Honours as a Matter worthy of Your serious consideration, to reflect upon the ungenerous construction which these Deluded People put upon his Letter before set forth, wherein he offered to forget all that had

passed; which construction was, that he (Your Memost) would never have made them that offer; if he had not been Conscious to himself that the Title was not good. With Men thus acting, thus viewing every thing thro the false medium of their own deluded Opinions, How is your Memost to act? It plainly appears that to offer Terms to them, is only to provoke Insolence and Contempt, and strengthen the hands of infatuated Opposition.

Your Memost is sensible he has great reason to ask the Indulgence of this Honorable Board for the Length of this Memorial; and he flatters himself he shall the readier meet with it, as the pains he has taken to set matters in a fair and full light before Your Honours and the Public, cannot but arise from the most submissive and warm desire of Obviating every Prejudice which may have taken place from the Misrepresentations of his Enemies, and to secure to himself the favourable Opinion of this Hon^{ble} Board, and of the public.

Characters may it please Your Honours are sacred things and it is with pain Your Memost is forced to observe, That it seems in the power of Persons appearing under the most suspicious circumstances of Malice and Interest, to bring them in Question. Your Memost had it once in his Intention to have enlarged much on this Reflection, but as he apprehends it is a consideration which every man may put home to his own Breast, he shall decline it, further than to observe, That if it is to be laid down as a Rule, that any Man may with Impunity make attacks upon Characters, in the Nature or by way of Complaint or Deposition before this Honorable Board and be allowed therein to rake out every irrelative Error of a Mans Life, he fears there is no Person whatsoever who can hope ever to escape safe and untouched by the Fangs of Malice; and further that every Man whose good Name is dear to him must with your Memost reflect with pain upon such a Prospect.

For his own part Your Memost humbly insists that it has ever been the first view of all his Actions, to merit and obtain the Good Opinion of the worthy and Judicious part of Mankind, and that too from the justest cause, a strict Regard and adherence to the Rules of Honour and Conscience in his Proceedings: That when Your Memost considers himself in that Light, and thinks that he may safely put the Malice of the World to Defiance to prove a deliberate Instance wherein he has acted contrary to the Principles he professes, he owns he cannot but most sensibly feel the most distant apprehension of any attack which may have been made upon him: Though he is

convinced that when this Honorable Board come seriously to consider the facts before them, he shall by their favorable opinion of his conduct, be amply recompensed for any uneasiness which may have been given him by reason of any such attack. Your Memost does not insist upon any circumstances of his situation in Life, as Aggravations of the fault of these People, Though when he reflects upon the Honour he enjoys of being a Member of this Board, he cannot but think himself in some measure more particularly entitled to Your Honours Vindication of his conduct, in case you shall see it in a favourable Light.

It will naturally suggest itself to Your Honours, that your Memost (being far from the place of his Residence and very much straitened in point of time) has not had the opportunities of making this Representation so perfect as he could have wished. The facts alone he all along submits, are sufficient to do him all the Justice as to the Opinion of the World, he deserves; and as to the Authenticity of those facts, Your Memost begs leave to assure this Honorable Board, that he has not advanced anything in this his Memorial, which according to the best of his present Knowledge and Remembrance he would not willingly give Testimony to in the most Solemn manner. And on this head Your Memost further Observes, that it is with the most heartfelt pleasure he is able to assure Your Honours, he makes no doubt he could procure almost every Man with whom he ever had dealings to testify the Uprightness of the Principles upon which he proceeded; the Lenity of his Behaviour, and the favourable character he bears among those who have had any connections in Business with him. Your Memost insists if necessary and time was afforded him he could procure the Depositions of large, of a Thousand Persons to this purpose: And altho Your Memost humbly apprehends there was not the least Necessity for such a step, he has nevertheless desired three or four persons of undoubted Probity and character in this part of the country to give a short Deposition on this head, which he has directed to be laid before Your Hon^{rs}; and these Persons having been the longest, best and most intimately acquainted with your Memost Conduct, he submits are certainly most properly Qualified to give an account thereof.

Your Memost shall now hasten to conclude, with observing to this Honorable Board, That strong in the assurances of his own Mind, that he has no occasion to be Ashamed of the Conduct he has pursued, he has chearfully embraced this opportunity of submitting

himself his actions, and their motives to the impartial Examination of this Honorable Board and of the public assuring himself that altho Misrepresentations may for a while obscure the face of truth, It ultimately must prevail.

ON THE WHOLE Your Memost submits it to the Impartial consideration of this Honorable Board and of the Public, that it will appear evident, That he has throughout his whole conduct endeavoured to manifest not only the utmost Justice, but the utmost reasonable and compassionate Indulgence to the settlers in his Fathers Lands; and that he has been particularly happy in their favourable acceptance of his conduct; and as to his Behaviour in the Execution of the Trust reposed in him by M^r Selwyn, That those very Persons who have endeavoured to impose themselves upon Your Honours Compassion, as subjects of his Oppression, in truth and in fact are guilty of a Premeditated and unprovoked Association to oppose Your Memost in the legal Prosecution of his Business; and that in Consequence thereof they actually proceeded to the commission of the most illegal Acts of Force, Terror, Constraint, and Violence, in open contempt and defiance of the Laws of their country, and to the Evil Example of all other His Majestys Loyal and Peaceable subjects: That allowing for those Improperities which Your Memost truly distressful and trying situation might naturally give occasion to (& he hopes in some measure excuse) he acted upon the whole with steady Integrity, for the just and conscientious Interests of his Employer and with a becoming Spirit of Resentment of the violent and ungenerous usage he met with: — And that notwithstanding he was thus Insulted, threatened and used by those deluded and Infatuated People, he has all along manifested the most considerate, and compassionate sense of their conduct, and a warm desire that they might see their Errors and not compell him into measures which were truly disagreeable to his Nature.

All Your Memost has to pray, is, that You will seriously consider the premises; and it appears that an unmerited Accusation has been attempted to be made against him that you will do him that Justice which to Your Honours in your Wisdom & Goodness shall seem meet and particularly that you will direct M^r Polk to return Your Memost M^r Selwyn's Power of Attorney which he obtained and detains in manner aforesaid.

And Your Memorialist &c. &c^a &c^a

Mecklenburgh County)
25th April 1765.)

HENRY E M^cCULLOH
Copy

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

Letter from Henry E. McCulloh to Edmund Fanning

Mecklenburgh County 9th May, 1765

DEAR NED

More adventures yet — (Shall not the war of Sugar Creek be handed down to posterity?) *Pro ut patet per depositiones multorum* — Thy poor friend John Frohock — Abraham the father of the Faithful *cum multis aliis* — have undergone the Bastinado — and have been in Troth — well *Striped* — Providentially detained by particular business I was not there — had I been present — I most assuredly & without any ceremony had been murdered; — which in all probability would have made the Event much more fatal to my then present friends; — their Guns were brought for that particular purpose. — They declare solemnly — publicly, they will put me to Death: — they may be damned for a pack of ungrateful brutal Sons of Bitches: — I dont care: — I will tomorrow make my will: — & if they do, bequeath my Revenge with my Estate — Ned, thou shalt be one of my Executors & if the event should take place — one of their Executioners. — It made my heart quite full, when I first saw poor John, — *inter plurimos*, — he got one damnable wipe across the Nose and Mouth, — and Abraham they say is striped from the nape of his neck to the Waistband of his Breeches, like a draft-Board; poor Jimmy Alexander had very near had daylight let into his skull: — *a pack of Unmannerly Sons of Bitches* as Abraham called them This catastrophe was by me little expected — and little deserved, as thou mayst perceive by my paper to John Frohock; — and I declare my Intention was to give them an opportunity of avoiding the consequences of their Errors; — & to restore things to peace. — Cousin Billy — who will deliver you this can tell all about it: — he was one of the *Thrashers*, — John Frohock says I can hardly form an Idea equal to the horror of their Behaviour and Appearance. — Ned — can the Annalls of the history of this Country, parallell this affair, — *omnibus consideratis considerandis?* — Shall not my soul see its Revenge? — By the Eternal God, — it shall not be for want of my utmost Exertions. — Didst thou ever hear of such a thing as Grand Larceny, — or the *Black act*? But these things, at present *Sub Rosa*

I have not time to write to any other of my friends — Thou art my Plenipo. — I would fain hope my friends would think of my situation and the Treatment I have received? — Have I not all along attempted every thing which would give them an opening for peace and forgiveness? Is not my life in the greatest peril? — my friends cruelly abused for being so? — And circumstanced as I am, what am I to do — Should I submit to these sons of Sons of Bitches! May quick perdition catch me if I do! —

Let this transaction be laid before the Gov & Council. It is all owing to the assurances of support from them, — which they are falsely made to believe: Surely my Cause is the Cause of Government, and demands their support and Interposition, — not opposition. — I am at times mad enough to do anything. — I would fain have Colo Tryon acquainted by my friends of the true situation of affairs: — how would he have me to have acted or to act? — I know not how otherwise than as I have and am intended. — Moses brought me up my power of attorney from Maurice Moore — what business had he with it? — Ned, I will not be oppressed out of my rights by any Combination, — and I will Call any of its supporters to a strict and proper account. — Whether I am ever to see you or not, I cannot tell. — I will endeavor to act as becomes an honest man, and a man of spirit & defy the Devil and his seduced. In the situation affairs are can I travel the woods without the justest apprehensions of being murdered: — *Kill me they say & no man will come after me* — But my friend, be assured, my mind is perfectly serene: — and above being moved at these things: — I am a sort of predestinarian. — whatever will be, will be — If no accident happens to me, I will be at Corbinton, the last of the month, or very early in the next.

I need not enlarge; the Depositions will give you the circumstances fully: — and you and my friends will best judge what use to make of them. — I depend much upon Alex and M^r Jones. There are no more ejectments served, — and but the one writ executed ag^t Polk. — Have him taken upon another for the mesne profits — £1000 — Dont fail.

Be good to Billy Alexander: — he is a good Lad & of a true and undaunted spirit: — and right clever — he will return with you and meet me at Corbinton: — I shall be impatient to see you. — I am got engaged in Scenes that are far from being agreeable but strong

in the consciousness of the Rectitude of my own actions, I will walk forward till I die,—and (barr a Damned Bullet) I am not in the least doubtful as to the event

Remember me to all my friends,

I am

Dear Ned

Ever thine

HENRY E. McCULLOH.

P. S. ° If you see Mr Campbell tell him *All's Well*. Ned, take my friends' advice whether I have not a right to demand a proclamation from the Gov. & Coun^l, offering a pardon to any of the persons concerned in this last affair who will discover. The reward shall be my part—Their Behav^r is felonious no doubt & punishable with death. I shou^d be proud to get such a procl^a and which I most justly may demand—Let Billy have what money he wants—

[FROM MS. RECORDS IN OFFICE OF THE SECRETARY OF STATE.]

COUNCIL JOURNALS.

At a Council held at Newbern 15th May 1765

Present

His Honour the Lieut Governor.

| | | | |
|--------------|-------------------|----------------|-------------|
| The Honble { | James Hasell | Charles Berry | } Esquires. |
| | John Rutherford | William Dry | |
| | Lewis H. DeRosset | Robert Palmer | |
| | John Sampson | and | |
| | Alex McCulloh | Benjamin Heron | |

His Honor the Lieut Governor, James Hasell, John Rutherford, Lewis Henry DeRosset, John Sampson; Alexander McCulloh, Charles Berry, William Dry, Robert Palmer and Benjamin Heron Esquires, took the Oath agreeable to Law appointed to be taken by An Act "Intituled An Act Concerning Appeals, and Writs of Error."

Read the Petition of John Polk, on Oath setting forth the Grievances of himself, and in behalf of many other inhabitants, settled on the Lands of George Selwyn Esqr on the Tract N^o 3, in Mecklenburgh County, Against The Honble Henry Eustace McCulloh, and also read the Memorial of the said Henry Eustace McCulloh in answer thereto, together with the affidavits of John Frohock,

Michael Holt, William Giles, Abraham Alexander, and Nathaniel Alexander — Upon which his Honour the Lieut Governor thought proper to put the following Question to the Members of this board, Whether the matters contained in the said Polks Petition of Complaint against the said Henry Eustace M'Culloh be cognizable before this Board or not? When after mature deliberation it was the opinion of this Board, that they could take no cognizance of the same.

[N. C. LETTER BOOK S. P. G.]

TO THE HONORABLE WILLIAM TRYON ESQ^r COMMANDER IN CHIEF
IN AND OVER THE PROVINCE OF NORTH CAROLINA

The memorial of the Inhabitants of the Town of Newbern and
County of Craven in the said Province
Humbly Sheweth.

That there never has been in this Province any regular settled Schoolmaster.

That Thomas Thomlinson arrived from England about 15 Months ago well recommended with regard to his abilities Sobriety and good Conduct and at our Request opened a school at the said Town of Newbern.

That to encourage said Thomas Thomlinson as much as in our power a Number of the Inhabitants of the said town and County as well as several of the adjacent counties who are very desirous to have their children under the Tuition of the said T. Thomlinson have subscribed considerable Sums of money Part of which is already expended in purchasing Materials for the Building of a large and commodious School house that the said T. Thomlinson may be enabled to take a greater Number of Scholars under his Care and provide himself with proper assistant.

That being fully sensible of the great advantage it must be to the rising Generation to have a good Schoolmaster settled in the Town of Newbern they are very desirous that the said T. Thomlinson should continue amongst them as a Schoolmaster whom to their general satisfaction they have experienced to be well qualified by Precept and Example to instruct their children in such Branches of useful learning as are necessary in several of the Offices and Stations in Life and imprint on their tender Minds the Principles of the Christian Religion agreeable to the Establishment of the Church

of England. And your Memorialists having been informed that Salaries have been and continue to be granted for the Encouragement of Schoolmasters in Infant Colonies by the Honorable and Reverend Society for Propagating the Gospel in foreign Parts and being sensible that your Honour has much at Heart the prosperity of this colony by having strongly recommended the Cause of Religion and Virtue to the General Assembly of this Province.

Your Memorialists therefore humbly hope for your Honour's Application in favor of the said T. Thomlinson to the Society for the propagating the Gospel in foreign Parts that for his encouragement he may be allowed from Home such a yearly Salary as to the said Society may seem meet.

And as in Duty bound your Memorialists shall ever pray.

That the Honorable and Reverend Society may be well satisfied with Regard to his Abilities and Character the said T. Thomlinson has begged leave to refer to the Rev^d John Brown D. D. Chaplain to the late Lord Bishop of London.

Newbern 16. May 1765.

JAMES REED Missionary

Copy of the Original and of the Gentlemen's Names who attested it.

THO^s CLIFF^d HOWE
SAMUEL CORNELL
JOHN WILLIAMS
RICH^d COGDELL
RICH^d CASWELL
JAMES DAVIS
PETER CONWAY
JOHN CLITHERALL
JACOB BLOUNT
RICH^d ELLIS
FRANCIS MACILWEAN
ALEX^{dr} GASTON
PHIL AMBROSE
JACOB SHEPPARD
JOS. JONES
JOHN DALY
WILL EUEN
TIMO. CLEAR
JN^o PINDAR
PAT GORDON

JOHN FRANCK
THO POLLOCK
BERNARD PARKINSON
WM. WILTON
CHRIST. NEALE
THO^s SITGREAVES
CORN GROSNENDEYK
JN^o GREEN
JOHN FONVILLE
LONGFIELD COX
JNO SMITH
CULLEN POLLOCK
RICH^d FENNER
AMB. COX BAGLEY
AND^r SCOTT
ANDR STEWART
ELIU COTTING
JNO. MOORE
ALEX. EAGLES

[FROM MS. RECORDS IN OFFICE OF THE SECRETARY OF STATE.]

COUNCIL JOURNALS.

At a Council held at Newbern the 17th day of May 1765

Present

His Honour the Lieutenant Governor.

| | | | | |
|---------------|---|-------------------|---------------------------------|------------|
| The Honble | { | James Hasell | Alexander M ^c Culloh | } Esquires |
| | | John Rutherford | William Dry | |
| | | Lewis H. DeRosset | Robert Palmer and | |
| | | John Sampson | Benjamin Heron | |

Joseph Montfort & others Ex^{ts} of Jn^o Elbank, Deceased
Vs
The Widow and children———

Heard the Case argued relative to the Will of John Elbank, who in his first wifes life time made a will and had three Daughters by the said wife, which wife died the latter end of that year, soon after who's death, Mary the youngest daughter died being from that marriage — In the beginning of the year 1764. Mr. Elbank married his second wife (who now Caveats) and he died in October 1764 leaving this will, his wife then Ensient and since delivered of a daughter. Ordered that the Attorney Generals Opinion be had thereon — He being humbly of Opinion, that the particular Circumstances attending the said Case, is a presumptive Revocation of the said Will, and the said J. Elbank died Intestate.

Ordered that the said Will be Revoked, accordingly, And that Letters of Administration be granted the Widow.

Read the Deposition of John Frohock Esq^r and examined William Alexander upon Oath, relative to Sundry Persons having assembled in a riotous manner and outrageously beat and abused John Frohock, James Norris, Abraham Alexander, James Alexander, James Ross, Elias Alexander and William Alexander, who were surveying a piece of Land for the widow Alexander on Mr. Selwyns Tract, Thereupon it is, Ordered, That a proclamation be issued offering a pardon, to any two of the said Rioters, who shall first discover to his Honour the Lieutenant Governor or Attorney General the names of said offenders, so as they may be convicted and punished according to Law, And that the Attorney General upon receiving such information Do prosecute the said offenders in the most effectual manner.

The following Proclamation was issued agreeable to the foregoing Order Viz.

NORTH CAROLINA—SS.

By the Honble William Tryon Esq^r, Lieutenant Governor and Commander in Chief in and over the said Province.

A Proclamation.

Whereas information on Oath hath made to me in Council That on the seventh day of this Instant May, in the County of Mecklenburg several Rioters to the number of twelve or more, blacked and disguised and armed with Guns and Clubs to the Great Breach and Disturbance of His Majestys Peace and Government, Did violently outrageously and riotously assault and beat John Frohock Esq^r and others employed by the Hon^{ble} Henry Eustace M^cCulloh in surveying and running out some surveys for persons settled in the Lands belonging to George Augustus Selwyn Esq^r.

In order therefore for the discovery of the said Rioters and that they be punished agreeable to Law, I thought fit by and with the advice and consent of his Majerty's Council, to issue a Proclamation, hereby publishing and Declaring that any Two persons concerned in the said Riot, who shall first appear and make information to His Honour the Lieutenant Governor, or His Majesty's Attorney General, of the names of the several Rioters, that they may be convicted; The said Persons so giving information shall be exonerated and freed from the punishment which the Justice of the Laws of their Country will require to be inflicted on them for the Commission of the said offence.

Given under my hand and the seal of this province at Newbern May 18th Anno Domini 1765—

W^m TRYON.

By His Hon^{re} Command }
Benjamin Heron Secretary }

God save the King.

At a Council held at Newbern the 18th day of May 1765

Present

| | | | | | |
|------------|---|-------------------------------------|----------------|---|----------|
| | | His Honour the Lieutenant Governor. | | | |
| The Honble | { | James Hasell | William Dry | } | Esquires |
| | | Lewis H DeRosset | Robert Palmer | | |
| | | John Sampson | and | | |
| | | Alexander McCulloh | Benjamin Heron | | |

Heard the Petition of Mr. John Rice praying His Majestys Writ of Injunction against William Herritage and others to stop levying an execution against him on a Judgment obtained in the Superior Court of Newbern, &c.

Ordered the Injunction accordingly issue.

His Honour Ordered a Proclamation be prepared to Prorogue the Assembly until Wednesday the 27th day of November next.

Ordered a Commission of Peace and *Dedimus* issue for the County of Bertie, in place of former one by some accident lost.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Governor Fauquier of Virginia

New Berne 20th May 1765

As the event of the duel fought in March last at Brunswick between Lieutenant Whitehurst and Alexander Simpson, Master, both of the *Viper* sloop of war, has appeared in your public papers, I shall only acquaint you of the escape of the latter, from confinement, after a coroner's inquest had brought in a verdict of wilfull murder against him; In consequence of which escape, I issued a proclamation offering a reward of £50 proclamation money to whoever should re-apprehend him, I have occasion to trouble you with this intelligence, as it is conjectured he has been conveyed into your province by the assistance of some small craft or boat Mr Simpson married some months ago, Miss Anne Pierson, Daughter of Mrs Ramsburg, whose husband keeps a tavern in Norfolk, Mrs Simpsons return to Virginia gives some reason to suspect he has gone to her relatives; the weak state of his health, and the dangerous condition of his wound strengthen this conjecture; as in this condition it is not probable, he should undertake a long voyage, If you, Sir, should receive any intelligence of Mr Simpson, I beg leave to

trouble you to communicate it to me; as I think justice demands further enquiry into a conduct so extraordinary, as Mr Simson's appears to have in this unhappy event.

I am &c^a

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Welbourne Ellis, Esq, His Majesty's Secretary at War.

Brunswick, 26th May 1765.

Governor Dobbs, a few weeks before his death, acquainted me Captain John Dalrymple obtained in 1761 or the beginning of 1762, a commission from his Majesty, appointing him Captain and Commander of Fort Johnston on Cape Fear River, That on his arrival in this Province he behaved in a very disrespectful manner to the Governor, insisting he was not under the Governor's authority, but acting solely under the command of his Majestys Commander in Chief of the forces in America; in consequence of which conduct, the Governor put Mr Dalrymple under an arrest; which arrest I understood Mr Dalrymple broke, left the province in 1762, and has never returned since. I hope as this fort is the only one remaining in the province, and this, very weak in its construction, I may be allowed to recommend a gentleman, whose spirit, diligence and integrity I entertain a good opinion of; I do therefore request the favor of you, Sir, to lay before his Majesty, the name of Mr. Robert Howe, as an officer qualified to bear his Majesty's commission, as commander of Fort Johnstone, He is a native of Carolina, served in the last wars against the Indians, and is at present a Representative in the House of Assembly. Lord Adam Gordon, who did me the honour of passing a few days with me in his tour thro' America, will speak to the character of this gentleman.

I am with all due respect, &c^o

LEGISLATIVE JOURNALS.

[P. R. O. NO. CAROLINA. B. T. VOL. 33.]

NORTH CAROLINA—SS.

At an assembly begun and held at Wilmington the 3^d day of February in the year of our Lord 1764. And continued by several Prorogations untill the 3^d day of May in the year of our Lord one thousand seven hundred and sixty-five, and in the fifth year of the Reign of our Sovereign Lord George the third by the Grace of God of Great Britain &c and then met at New Bern for the Dispatch of public Business &c being the third session of this Assembly.

In the upper House

Present

| | | | | | |
|------------|---|-----------------|-------------------------|---|----------|
| The Honble | { | James Hasell | Chas | } | Esquires |
| | | John Rutherford | William Dry | | |
| | | Lewis DeRosset | Rob ^t Palmer | | |
| | | John Sampson | Benjamin Heron | | |

The House adjourned till 3 °clock this afternoon

The House met according to adjournment

Present as above.

His Hon^r the Lieu^t Gov^r was pleased to command the attendance of the Comons House of Assembly in the upper House, who accordingly attended and his Honour deliv^d to both Houses the foll^s. Speech viz^t

HONBLE GENTLEMEN

M^r SPEAKER & GENTLEMEN OF THE HOUSE OF ASSEMBLY

His Majesty having been graciously pleased to appoint me to preside as Lieut Governor in this Province, I have called you together immediately after my taking the Government upon me, that I might have your assistance in my Endeavour to Compensate to the Province for the Death of a Gentleman who has so long and so agreeably discharg^d the Important trust reposed in him by his Majesty, and by his Royal Predecessor, of Happy Memory

It has been a Great Happiness to the Inhabitants of this Province to have enjoyed I might almost say a General security and repose while others of his Majestys Colonies on the Continent, have been Harass'd both by the Indians & European Enemies; they now Enjoy with us the blessings of that general tranquility which the good Providence of almighty god, the Wisdom of his Majestys Councils and the Conduct and bravery of his commanders and troops have so Happily obtained & Established

Altho Gentlemen, You have had Little Experience of the Calamities of war, I am yet confident you are not the less sensible of the advantages of Peace, nor the less thankful to our Gracious Sovereign who so Ardently and so Effectually Laboured to restore it to his People I doubt not but you will Avail yourselves Accordingly of this season of Tranquility to promote the welfare and prosperity of this flourishing Colony, As the best means to do so, give me leave to recommend to you a strict Examination into the state of your Public funds; and an Inviolable Observance of Public faith, which cannot fail to give the People of Great Britain a good opinion of the Credit of this Province, and must in its Consequence essentially tend to promote the Trade Commerce and Welfare of this Colony, the effect of which good Purposes I shall endeavor by my future Conduct to convince you, I have extremely at heart.

I have received Instructions to recommend to you the reenacting an Act for making provision for an Orthodox Clergy passed in 1762 free from the objections which were made to that Act: A copy of which Instructions with the objections to the said Act I have ordered to be laid before you, for your consideration and at the same time recommend to you the Establishing one Clergyman for each parish at the General Expense of the Public to be paid by the Public Treasurers; A number so small in respect to the Extent of the parishes, that were not the good ends to be effected which I most Ardently wish and sincerely believe will accrue from such appointments the Burden would be inconsiderable to the Province and the sallary need never to extend to any greater Number of Clergy under the same Limitation. In this Instance I must more particularly address myself to the Members of the Church of England; and desire them to reflect on the present state of religion in this Province and of the Little prospect there appears of its ever being Properly Established if they but a little while longer suffer their persuasion to lay under a General Neglect; I ground my

opinion on the Encreasing Numbers of the Different Secetaries in this Province; who in a short period of Time may be the Majority in all Public Assemblies, each of which may then possibly Incline to Establish his own Persuasion; in Preferenee to the Established Religion at home. If I have pointed out any Consequences that are likely to Attend the continuance of the Neglect of our Religion. I hope no persons of a Different Persuasion will Imagine I am an Enemy to Toleration. I profess myself a warm advocate for it, in the fullest Extent of his Majestys Indulgence, Yet I must inform them I never heard Toleration in any Country made use of as an Argument to Exempt Dissenters from bearing their share of the Support of the established Religion; I therefore hope to meet with your joint concurrence in framing this Act, and Trust you will be convinced it is for the Happiness of the Country that Religion should have but one head, How many Members soever there may be to the body

Gentlemen of the House of Assembly

I shall Lay before you a Letter from his Majesty's Principal secretary of State relative to the establishing a post throughout this extensive Continent: and I hope you will make such ample Provision to Defray the Expense the post master General may find necessary in the Route he directs to be taken thro this Province, as will render his Majesty's Intentions the most Effectual

I am sorry for the loss you have sustained by the Death of the Late Treasurer for the Southern District: and wish a person may be found to succeed him whose abilities, character & Experience in Public Affairs, may give reasonable hopes of his Acting in that Important office wth the integrity and punctuality equal to that of his predecessor.

As this busy season of the year will necessarily require your attention to your Domestick Affairs, I shall Defer mentioning other conditions I have to recommend to you to a more favourable Opportunity, when I shall also be Better prepared to Lay them before you

Honourable Gentlemen

and Gentlemen of the House of Assembly

Let unanimity & Despatch cement our endeavours for the Public Service: and let our actions be Directed solely by Principles of Public Utility: for my own part, I can with the utmost sincerity declare that no other consideration shall have any Influence on my conduct: convinced that by Acting from such Motives I can best fulfill his

Majesty's most Gracious Intentions in sending me here, as well as my own endeavours to render Acceptable service to this country

Guided by the same Principles, I shall ever think it equally my duty to preserve the People in their constitutional Liberty as to maintain Inviolable, the Just and Necessary Rights of the Crown.

Then On motion his Honors speech was taken under consideration & ordered to be read the same was read and ordered that the Hon^{ble} Lewis DeRosset, Robert & Benjamin Heron Esquires to be appointed a committee

Then the House adjourned till 10 °clock tomorrow Morning

Saturday Morning 4th May 1765

The House met according to adjournment

Present as before

Then the House adjourned till 10 °clock on Monday Morning

Monday Morning 6th May 1765.

The House met according to adjournment

Present

| | | | |
|--------------------------|----------------|----------------------------------|-------------------------|
| The Hon ^{ble} { | James Hassell | Jno Sampson } Esq ^{ros} | |
| | Jno Rutherford | | Benj ^a Heron |
| | Lewis DeRosset | | |

The committee appointed by this House to Draw up an address in Answer to His Hon^{rs} the Lieu^t Governors speech Reported that they had Prepared the same which was ordered to be read the same was read & approved of and resolved that the same stand the address of this House and be entered in the Journal as follows viz^t

TO THE HON^{ble} CO^{lo} WILLIAM TRYON LIEUTENANT GOVERNOR AND
COMMANDER IN CHIEF IN AND OVER HIS MAJESTYS PROVINCE OF
NORTH CAROLINA

The Humble address of his Majestys Council to the said Province.

SIR

We His Majestys most dutiful and Loyal subjects, the members of his Council beg leave to return your Honor our sincere and hearty thanks for your speech at the opening of this session. We Embrace the opportunity of congratulating your Hon^r on your Accession to the Government and with hearts filled with Gratitude Acknowledge His Majestys Paternal goodness in appointing a Gentleman of your

Hon^{rs} Ability & Integrity to preside over us, the Greatest compensation we could have had for the loss we sustained by the Death of his Excellency our late worthy Governor.

Your Honour may be assured that our best Endeavours shall be Exerted to render y^r Administration Happy and Prosperous

The Calamities of the war, of which we have had some small Experience has taught us to set a true value on the Inestimable blessings of Peace Procured to us under the Divine Providence by the Wisdom of his Majesty the Steadiness of his Councils and the bravery of his Troops, and to Avail ourselves of those Advantages we shall heartily Join in promoting the Interest and Welfare of this Province Examining the State of our funds, suffering no breach to be made in the Public Faith and thereby promote the Increase and Trade of this Colony.

It is with singular satisfaction we observe your Honours Attachment to the Established Church, of which we profess ourselves members That Christian Spirit void of Enthusiasm or Bigotry which so fully appears in your sentiments, gives us hopes that it will Influence the other House to join us in Passing an Act for Establishing an Orthodox Clergy free from those objections made to the last Act passed for that purpose. we are fully convinced that nothing can tend more to Inculcate the principals of Piety and Virtue than to Establish the Clergy on a respectable footing.

The other Matters your Honour has been pleased to recommend, we shall take into our Serious consideration and shall heartily join the other House in passing such Bills as may best answer the Good Purposes your Honour has in view.

We must Acknowledge ourselves at a loss to express our feelings at that candor and goodness of heart which appears in your Honours sentiments Permit us however S^r to say that we shall endeavour to banish Discord (the bane of Government) and Imitate those amiable qualities of Benevolence and love for the Public good so Conspicuous in your Honour and hope our Conduct in all cases will deserve your Approbation.

Then the House adjourned till tomorrow morning 10 o'clock

Tuesday Morning 7th May 1765

The House met according to adjournment.

Present.

| | | | | | |
|------------------------|---|-----------------|----------------------------|---|-------------------|
| The Hon ^{ble} | { | James Hasell | Alex M ^c Culloh | } | Esq ^{rs} |
| | | John Rutherford | William Dry | | |
| | | Lewis DeRosset | Robert Palmer | | |
| | | John Sampson | Benj ^a Heron | | |

This House waited on his Honour the Lieu^t Governor & by the Honble Jam^s Hasell Esq^r presented him with their address to which His Honor was pleased to make the following Answer, viz^t

HONBLE GENTLEMEN

Your dutiful and Loyal Sentiments of Affection for our Sovereign cannot fail to give his Majesty satisfaction; and your assurance to Exert your endeavours for the Public advantage and the Happiness of my administration are most acceptable to me.

I thank you for your serious attention to the necessary consideration I have recommended to you, and am pleased to find you coincide with my wishes to see Religion on a respectable Establishment in this Province

The principles you lay down for your Conduct are Justly commendable, and be assured you Will find me always ready to co-operate with his majestys Council in such measures as are likely to Produce the most satisfactory effects

Then the House adjourned till 10 °clock tomorrow morning

Wednesday Morning 8th May 1765

The House met according to adjournment

Present as above

Then the House adjourned till 10 °clock tomorrow morning

Thursday Morning 9th May 1765.

The House met according to adjournment.

Present as before.

Rec^d from the Assembly by M^r Knox and M^r Bond the following Bills to wit

A Bill for appointing a Public Treasurer for the Southern District in the room of John Starkey Esq^r deceased.

A Bill to enable the Post master Gen^l to carry on the Post thro this Province

A Bill for Altering the times for holding the Superior Courts of Pleas and Quarter Sessions for the County of Cumberland

On Motion read the first time and ordered to lie on the table for consideration.

A Bill for the better regulating of the Town of Nixonton & for confirming and establishing the late survey of the same with the Plans annexed.

Then the House adjourned till 10 °Clock tomorrow morning

Fryday Morning 10th May 1765

The House met according to adjournment

Present

| | | | | |
|------------------------|---|-----------------|-----------------------------|---------------------|
| The Hon ^{ble} | { | James Hasell | John Sampson | } Esq ^{rs} |
| | | John Rutherford | Alex: M ^c Culloh | |
| | | Lewis DeRosset | Benj ^a Heron | |

On motion the following Bills were ordered to be read viz^t

A Bill to enable the post master General to carry on the post thro this Province, read the same the first time & passed

A Bill for appointing a Public Treasurer for the southern District, in the room of John Starkey Esq^r deceased read the same the first time and passed

Received from the Assembly by M^r Barrow & M^r Bell a Bill for Establishing orthodox clergy. On Motion, read the same the first Time & passed.

Received from the Assembly by M^r Brown & M^r Bonnar a Bill to enable the Inhabitants of this Province to Discharge Judgments Execution and all public Taxes with commodities On motion read the first time & passed.

Received from the Assembly by M^r Howe & M^r Parsons the following Bills to wit.

A Bill to amend part of an Act Intituled an Act for regulating the Pilotage of Cape Fear River and other Purposes.

On motion read this first time & passed.

A Bill to Impower the sheriff of Orange county to collect a Tax of one shilling & sixpence proclamation money Laid on the Taxable persons in the said county by an Act of the Assembly of this Province passed in the 4th year of the reign of his present Majesty.

On Motion read the first Time & passed.

On Motion the Bill for the better regulating of the Town of Nixonton and for confirming and establishing the Late survey of the same with the Plan Annexed was read the first time and passed.

Then the House adjourned till 10 °clock tomorrow morning.

Saturday Morning 11th May 1765

The House met according to adjournment

Present

| | | | | |
|------------|---|----------------------------|-----------------------------|---------------------|
| The Honble | { | James Hasell | Alex M ^c Culloch | } Esq ^{rs} |
| | | Jn ^o Rutherford | W ^m Dry | |
| | | Lewis DeRosset | Robert Palmer | |
| | | John Sampson | & Benj ^s Heron | |

Received from the Assembly by M^r Taylor & M^r Mackelwean the follo^s Bills, To wit.

A Bill to Amend an Act Intitled an Act to prevent the Exportation of unmerchantable commodities; on Motion read the first time & passed.

A Bill for the better regulating of the Town of Nixonton and for confirming & Establishing the late Survey the same with the Plan Annexed

On Motion read the Second Time and passed

A Bill for appointing a Public Treasurer for the Southern District in the room of John Starkey Esq^o Deceased

On Motion read the Second Time Amended & passed.

Received from the Assembly by M^r Moon & M^r Blount the following Bills viz^t

A Bill for Opening & Cutting Two Roads from the Ferry in the North west river opposite Eagles Island in Brunswick county & other Purposes

Read the first Time & passed

A Bill to Amend part of an Act entitled an Act for regulating the Pilotage of Cape Fear river & other Purposes

A Bill to empower the sheriff of Orange county to collect a Tax of one shilling & sixpence Proclamation Money Laid on the Taxable persons in the said County by an Act of the Assembly of this Province Passed in the 4th year of the reign of his present Majesty read the Second Time & passed.

Received from the Assembly by M^r Harvey & M^r Caswell a Bill for appointing a printer to this Province

Rec^d from the Assembly by M^r Campbell & M^r Gibson a Bill for Enlarging the time allowed for Saving Lots in the Town of Cambelton & Tarborough & other Purposes

Then the House adjourned till 10 o'clock on Monday morning

Monday morning 13th May 1765

The House met according to adjournment

Present

| | | | | |
|------------|---|----------------|-------------------------|---------------------|
| The Honbls | { | James Hasell | W ^m Dry | } Esq ^{rs} |
| | | Lewis DeRosset | Robert Palmer | |
| | | Jno Sampson | & | |
| | | Alex McCulloch | Benj ^a Heron | |

On Motion the bill for Enlarging the Time allowed for Saving Lots in the Town of Campbellton & Tarborough and other Purposes was read the first time & passed

Rec^d from the Assembly by M^r Cummings & M^r Montfort the following Bills to wit

A Bill for Facilitating the Navigation of Port Bath Port Roanoke & Port Beaufort

On Motion read the first time & passed.

A Bill for altering the Times of Holding the Inferior Courts of Pleas & Quarter Sessions for the Counties of Pitt Hyde Beaufort Bertie & Halifax

On Motion read the first time & passed

A Bill for appointing a Public Treasurer for the southern Division in the room of John Starkey Esq^r Deceased

A Bill for the better regulating of the Town of Nixonton and for Confirming and Establishing the Late Survey of the same with the Plan Annexed

A Bill to Impower the Sheriff of Orange County to Collect a Tax of one shilling & six pence Proclamation money Laid on the Taxable persons in the said County by an Act of Assembly of this Province passed in the 4th year of the reign of his present Majesty

On Motion the bill to amend part of an Act Intituled an Act for regulating the Pilotage of Cape Fear river and other Purposes was read second Time amended & passed.

Then the House adjourned till 9 o'clock tomorrow morning

Tuesday morning 14th May 1765

The House met according to adjournment

Present.

| | | | | | |
|------------------------|---|-----------------|-----------------------------|---|------------------|
| The Hon ^{ble} | { | James Hasell | Alex M ^c Culloch | } | Esq ^r |
| | | John Rutherford | Chas Berry | | |
| | | Lewis DeRosset | W ^m Dry | | |
| | | John Sampson | Robert Palmer | | |
| | | | Benj ^a Heron | | |

Rec^d from the Assembly by M^r Howe & M^r Blount the following bills (to wit)

A Bill for Establishing an Orthodox Clergy, read the second time amended & passed

A Bill confirming the Title of W^m Dry Esquire to certain Lands therein Mentioned

On Motion read the first time and passed

A Bill for Enlarging the time allowed for saving Lots in the town of Campbelton & Tarborough & Other Purposes

On Motion read the second time and passed

Rec^d from the Assembly by M^r Brown & M^r Giles the following Bills viz^t

A Bill to Amend part of an Act Intituled an Act for regulating the Pilotage of Cape Fear river and other Purposes.

A Bill for Facilitating the Navigation of Port Bath Port Roanoke & Port Beaufort

A Bill to Enable the Inhabitants of the Province to discharge all Public Taxes with Commodities

A Bill for the Opening & Cutting two roads from the Ferry on the North West river opposite to Eagles Island, in Brunswick County & other purposes

A Bill for altering the times of holding the Inferior Courts of Pleas & Quarter Sessions for the Counties of Hertford Bertie & Halifax.

Rec^d from the Assembly by M^r Howe & M^r Blount a bill Confirming the Title of William Dry Esquire to Certain Lands therein Mentioned.

Then the House adjourned till tomorrow morning 10 o'clock

Wednesday morning 15th May, 1765

The House met According to Adjournment.

Present

| | | | | | |
|------------|---|----------------|-------------------------|---|-------------------|
| The Honble | { | James Hasell | Chas Berry | } | Esq ^{rs} |
| | | Lewis DeRosset | W ^m Dry | | |
| | | Jno Sampson | and | | |
| | | Alex McCulloch | Benj ^a Heron | | |

On motion the following Bills were ordered to be read viz^t

Bill for altering the times of holding the Inferior Courts of Pleas and quarter sessions for the Counties of Hertford, Bertie & Halifax

Read and ordered to lie on the Table

A Bill Confirming the Title of William Dry Esq^r to certain Lands therein mentioned

Read the second time amended and Passed.

A bill to Enable the Inhabitants of this Province to discharge all Public Taxes with Commodities.

Read the second time and passed.

A Bill for opening & Cutting two Roads from the Ferry on the Northwest river Opposite Eagles Island in Brunswick County and other Purposes

Read the second time and Passed with amendments.

A Bill for Facilitating the Navigation of Port Bath Port Roanoke & Port Beaufort

Read the second time amended and passed

A Bill to empower the Sheriff of Orange County to Collect a Tax of one shilling & six pence proclamation money laid on the Taxable persons in the said County by an Act of the Assembly of this Province passed in the 4th year of the reign of his present Majesty.

Read the third time and ordered that the following Message be sent to the Assembly viz^t

MR SPEAKER & GENTLEMEN OF THE ASSEMBLY

On reading the third time in this House the bill to empower the sheriff of orange county to collect a tax &c We find that there is a Mistake in the first Clause of the said bill that would Defeat the Intent of the bill; we therefore propose that that clause be *deled* and the foll^g. one be Inserted instead thereof (to-wit)

Be it Enacted by the Lieu^t Governor Council & Assembly and by the Authority of the same that the said Poll Tax of one shilling and sixpence for each Taxable in the county of Orange part of the Pub-

lic Tax omitted by the said Thomas Hart in his collection in the year 1763 shall be received & collected by the sheriff of Orange County in his Collection of Public Taxes in the year of our Lord 1765 which said Tax of one shilling and sixpence so Collected shall by him be Accounted for and paid to the Treasurer of the District in the same manner and under the like penalties as are by Law Directed for the Collecting accounting for and paying of other Public Taxes to which amendment if your House agree be pleased to send such of your members as you think Proper to see the same made.

By order J B Clk.

A Bill to amend part of an Act Intitled an act for regulating the Pilotage of Cape Fear river and other Purposes was read the third time and ordered that the following Message be sent to the Assembly viz^t

On reading in this House the third time the bill to amend part of an Act Intitled an Act for regulating the Pilotage of Cape Fear River and other purposes We observe you have *deled* the clause for rating the Pilotage and have not *Deled* the Clause immediately following which relate thereto only—We therefore would propose that that clause fixing the rate for Pilots be *Steted* or the Clause referring to it be *deled*—We also observe that you have *deled* the Clause laying an additional duty on Vessels of sixpence ^p Ton as there is an absolute necessity that such a Duty should be laid for the purposes therein mentioned. We propose to *stet* the same to be in force for twelve months only and for an Encouragement to the Pilots to do their duty we would propose that the following Clause be added to the bill

And be it enacted by the Authority aforesaid that any person who shall presume to Pilot any Vessell unless in Distress not having a regular Branch according to the Directions of the before recited Act Shall forfeit and pay Twenty pounds proclamation money for every such offence to be recovered by any person suing for the same in any Court having Cognizance thereof by Action of Debt, Bill plaint or information wherein no Ensign Injunction protection or wager of Law shall be allowed of We also propose that the following Proviso be added to the said Bill viz^t—Provided always that no Lighter or Smaller Vessell belonging to the River of Cape Fear,

that may be sent to any of the Ports or Inlets along the Coast for Tax or other Effects, shall be obliged to pay any Pilotage unless the master of such Lighter or Vessell take on Board a Pilot in which case the Pilot Piloting the said Vessell may Demand and receive the same Pilotage as he may be Entitled to by the before recited Act — If your House agree to these amendments; you will be pleased to send such of your Members as you think Proper to see the same Inserted In the Bill

Then the House adjourned till tomorrow morning 10 °clock

Thursday Morning 16th May 1765

The House met according to adjournment

Present

| | | | | | |
|------------|---|-----------------|-------------------------|---|----------|
| The Honble | { | James Hasell | Chas Barry | } | Esquires |
| | | John Rutherford | Wm Dry | | |
| | | Lewis DeRosset | Robert Palmer | | |
| | | John Sampson | Benj ^a Heron | | |
| | | Alex McCulloch | | | |

Received from the Assembly by M^r Bond & M^r Jones the following Resolve viz^t

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL

On Consideration had on a Message from His Honour the Governour to this House and the Papers therein sent: which Papers we send your Hon^{rs} wth this Message; This House have resolved that the sum of £76 be allowed and paid to the Petitioner Peter Chas out of the Monies that shall be paid unto the Committee of Accounts at the Next Session of Assembly on the Sinking Fund and Desire your Hon^{rs} Concurrence therewith

JNO ASHE Speaker

By Order W^m HERITAGE Clk
15th May 1765

Then on Motion the foregoing Resolve was taken under Consideration and Concurred with

JAMES HASELL Presd^t

By Order J B Clk

Received from the Assembly by M^r Simpson & M^r Wyns the following Bills viz^t

A Bill for Establishing an Orthodox Clergy

A Bill for confirming the Title of W^m Dry Esq^r to certain Lands therein mentioned

On Motion read the third time & passed, ordered to be Engrossed.

A Bill for Opening & cutting two roads from the Ferry on the North West River Opposite to Eagles Island in Brunswick County and other Purposes

On Motion read the third Time & passed—ordered to be Engrossed

A Bill to amend an Act Intituled An Act to prevent the Exportation of unmerchable Commodities—On Motion read the Second Time & rejected

A Bill for Enlarging the Time allowed for saving Lotts in the Town of Campbellton & Tarborough and other Purposes

On Motion the Bill for Establishing an Orthodox Clergy was read the third Time & Ordered that the following Message be sent to the Assembly viz^t

Mr SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On reading a third Time a Bill for establishing an Orthodox Clergy—We think the Repealing Clause there in contained is penned in too general Terms and therefore Propose that the first part of the repealing Clause to the word Except, be *Deled*, and instead thereof that such repealing Clause shall run in these words

And be further Enacted by the Authority aforesaid that all & every Act & Acts heretofore Passed relative to the making provision for an Orthodox Clergy and all and every Clause and Article contained in any such Act or Acts Except &c as in the Bill—to which Amendment if you agree please to send two of Your Members to see the same Made

By order

J B Clk

Rec^d from the Assembly by Mr Simpson & Mr Wynns the following Resolve viz^t

GENTLEMEN OF HIS MAJESTYS HON^{ble} COUNCIL

The Assembly having taken into Consideration the General Advantage that will arise to this Province from having a public Post established therein & that the common Profits arising on the Conveyance of Packquets and Letters will not be sufficient to Defray

the Expenses thereof & being Desirous, that a Matter of such Public utility should take effect but not having Proper information what sum will be a suitable Encouragement for the Post master General to establish such a post, on which Account it is thought in some measure premature to pass any Law relative to the said Matter. Have therefore Resolved that M^r John Harvey M^r Corbin Mr Pollock M^r Samuel Johnstone and M^r Charles Blount be & they are appointed a Committee to contract and agree with the Post Master General or his Deputy to cause a person or persons to ride post & through this Province & to carry all public dispatches and Letters to & from Suffolk in Virginia to the Southern Boundary of this Government as often as Conveniently may be & to allow to the said post master General or his Deputy for due performance of such service a sum not exceeding the rate of one hundred & thirty three pounds six shillings & eight pence p Annum Proclamation money to be paid out of the public Treasury by a Warrant from the Governor or Commander in chief for the time being & to report their proceedings therein to the next General Assembly and the Agreement which the said Committee or Majority of them shall so enter into for the Purposes Aforesaid shall be and remain in full force And after a public post shall be established as aforesaid & from thence to the end of the next session of Assembly and no Longer and Desire your Honours Concurrence

JNO ASHE Speaker

By order W^m HERRITAGE Clk
15th May 1765

On motion the above resolve was read and taken under Consideration & concurred with

JAS HASELL President

By order J B Clk.

On Motion the Bill for appointing a public Treasurer for the Southern District in the room of John Starkey Esq^r deceased was read the third time & ordered that the following Message be sent to the Assembly viz^t

M^r SPEAKER & GENTLEMEN OF THE ASSEMBLY

On reading the third time the Bill for appointing a Public Treasurer for the Southern District in the room of John Starkey

Esq^r Deceased We have *Deled* Lewis DeRosset Nominated in this House for the vacancy & have *Steted* that Richard Caswell Esq^r that was *Deled* in this House; We therefore propose that the name of Lewis DeRosset be *Steted* and that of Richard Caswell be *Deled* Otherwise we cannot pass the Bill — If you agree to this Amendment please send Two of Your Members to see the same made.

By order. J B Clk.

16th May 1765

Received from the Assembly by M^r Harvey & M^r Cumming the following Message viz^t

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL

In answer to your Message of Thursday Relative to the Bill for appointing a Treasurer for the Southern District in the room of John Starkey Esq^r Deceased wherein you prepose to *Dele* Richard Caswell Esq^r and *steting* Lewis DeRosset Esq^r to which Proposition we do not agree. Therefore Desire your Hon^{rs} will pass that Bill as it was sent you from this House

16th May 1765

JNO ASH Speaker

On Motion the foregoing Message was taken under consideration & the Bill thereto referred: And the said Bill be Rejected *Nem Contra*

Received from the Assembly by M^r Harvey & M^r Cumming the following Message viz^t

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL

On reading your Message of yesterday Relative to the Bill to amend part of an Act Intitled an Act for Regulating the Pilotage of Cape Fear River &c

This House agree to *Dele* the Clause immediately following that for rating the Pilotage — In the Insertion of that you propose laying a penalty of seventy pounds On any person (not a Branch Pilot for Piloting any Vessell) only adding after the word Vessell (unless in Distress We also agree to the Provisional Clause you mention to be added and send M^r John Harvey and M^r Cumming two of the Members of this House to see the said Alterations made — To that part of your Message wherein you observe we have *Deled* the

clause for laying an additional duty of six pence $\frac{7}{8}$ ton propose to state the same we cannot agree thereto

JNO ASHE Speaker

By Order W H Clk
16th May 1765

On reading the foregoing message it was agreed that the words unless in Distress be Inserted which was done in presence of the Members therewith sent, and then on motion the Bill message and answer was again read considered & Rejected.

Received from the Assembly by Mr Harvey & Mr Cumming the following message viz

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL

To the *deleting* the clause you proposed to the bill to Impow^r the Sheriff of Orange County to collect a Tax of one shilling & sixpence &c and Inserting another in the room thereof mentioned in your Message of yesterday relative thereto this House agree and send Mr John Harvey & Mr Cumming two of the Members of this House to see the one *Deleted* & the other Inserted instead thereof

JNO ASH Speaker

Then on motion the aforesaid amendment was made in the said Bill in presence of the Members sent for that purpose and then the same was again read with the amendment and passed

Ordered to be engrossed.

Received from the Assembly by Mr. Harvy & Mr Cumming the following Bill viz

A Bill to Enable the Inhabitants of this Province to Discharge all Public county & parish taxes with commodities

A Bill for Facilitating the Navigation of Port Bath Port Roanoke and Port Beaufort

On motion read the third time and passed — ordered to be engrossed

Received from the Assembly by Mr Thomas Howe & Mr James Moore the following Message viz

GENT^{en} OF HIS MAJESTYS HONBLE COUNCIL

On reading your Message of this day relative to the bill for Establishing an orthodox clergy wherein you think the Repealing

clause in that Act is penned too General, and propose that the first part of the said clause to the word Except be *Deled* and instead thereof to Insert a repealing clause as you therein mention to which this House agree and send M^r James Moore and M^r Thomas Howe two of the members of this House to see the same Inserted in that bill.

Then on Motion the amendment in the said bill was made in presence of M^r John Moore & M^r Howe members sent for that purpose & the Bill was again read the third time & passed with Amendments. Ordered to be Engrossed.

Then the House adjourned till tomorrow morning 10 o'clock

Friday morning 17th May 1765

The House met according to adjournment

Present

| | | | | |
|------------|---|----------------|-----------------------------|---------------------|
| The Honble | { | James Hasell | Alex M ^c Cullock | } Esq ^{rs} |
| | | Jno Rutherford | W ^m Dry | |
| | | Lewis DeRosset | Rob ^t Palmer | |
| | | Jno Sampson | Benj ^a Heron | |

On Motion the Bill to Enable the Inhabitants of this Province to Discharge all public county & parish Taxes with commodities was read the third time & Rejected.

Rec^d from the Assembly by M^r Howe & M^r James Moore the following Resolve dated the 16th March 1765 viz^t

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL

This House have Resolved that William Godfrey be paid out of the public Treasury from the Contingent Fund the sum of Ten pounds for his service and Expense in Transmitting a Copy of the Laws of last Session of Assembly from Wilmington to James Davis Printer in Newbern and Desire your Hon^{rs} concurrence thereunto

JNO ASHE Speaker

By order W^m HERITAGE Clk
16th March 1765

Then on Motion taken under consideration & ordered to lie on the table

Rec^d from the Assembly by M^r Harvey & M^r Knox the following Resolve

Whereas it is necessary that the Laws to be passed this Session of Assembly be printed & Transmitted to the several Counties within this Province, It is therefore Resolved that James Davis of the Town of New Bern be and is hereby Appointed to print the Laws & Journal of this Session of Assembly and all public Acts of Government and that he Transmit two Copys of the said Laws and Journals to His Hon^r the Lieut^g Governor One to the Chief Justice and his Associate for each District, one to each Member of Assembly, one Copy to the Clerk of each Superior Court — Fifteen Copys to each Inferior Court Clerk for the use of the Justices and one to every such Clerk for the use of the court within three months after the said James Davis shall have Rec^d attested Copys of the said Laws and Journals. And for this service he shall be paid by the public Treasurer or either of them by a warrant from the Governor or Command^r in Chief for the times being the sum of one Hundred Pounds Proclamation money; and if he shall be guilty of any Neglect in not Complying with this Resolve there shall be a Deduction out of such Allowance made by the Assembly and Desire your Hon^{rs} Concurrence

On motion the foregoing Resolve was taken into Consideration.
Ordered the same lie on the Table for further Consideration.
Then the House Adjourned till 10 o'clock tomorrow morning

The House met according to adjournment

| | | | | |
|------------|---|----------------|-------------------------|----------------------|
| The Honble | { | James Hasell | William Dry | } Esq ^{res} |
| | | Lewis DeRosset | Rob ^t Palmer | |
| | | John Sampson | & | |
| | | Alex McCulloch | Beni ^a Heron | |

MR SPEAKER & GENTLEMEN OF THE ASSEMBLY

This House Desires all Letters and Papers rec^d from the Agent in England since last session of Assembly be sent for their Perusal in the Upper House

18th May 1765 By order J B Clk

Received from the Assembly by M^r Taylor & M^r George Barrow the following Resolve viz^t

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL

This House have Resolved that Conchet Jouvenal be continued Agent for this Province for twelve months to commence from the Expiration of his last Appointment to that Office by the Assembly and that he have and receive the sum of Two Hundred pounds for that time Including his Trouble & Expenses therein, And have also resolved that Rob^t Howe Esq^r be added to the Committee of Correspondence in the room and stead of John Starkey Esq^{re} Deceased and vested with the same power & Authority the surviving Members of the said Committee are vested with — & Desire your Hon^{rs} Concurrence.

JNO ASHE Speaker

By order W^m HERITAGE Clk
18th May 1765

Rec^d from the Assembly by M^r Corbyn the estimate of the Lower House which was read & Concurred with & sent to the Assembly

Sent to the Assembly the Estimate of allowances to this House & Rec^d the same from thence Concurred with

Rec^d from the Assembly by M^r Howe & M^r Harnet the following Message viz^t.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL

Being informed that in the Resolve sent to Your Hon^{rs} of the 17th Inst for your Concurrence relative to James Davis Printer, the said Davis is not Directed to furnish your Honours with Copys of the Laws & Journals, which omission we assure your Hon^{rs} has been owing to an Error of the Clerk in Transcribing the same from the Journals and Contrary to the Intention of this House.

JNO ASHE Speaker

By order W^m HERITAGE Clk

Then His Honour the Governor came to this House and Comanded the immediate Attendance of the Speaker & Lower House of Assembly, who accordingly attended, & presented to His Honour the following Acts for his Assent.

1st An Act for Establishing an Orthodox Clergy

2^d An Act for Facilitating the Navigation of Port Bath Port Roanoke & Port Beaufort

3^d An Act for opening & Cutting two Roads from the Ferry on the North West River &c

4th An Act to Impower the Sheriff of Orange County to collect a Tax of one shilling & six pence &c

5th An Act confirming the Title of William Dry Esquire to certain Lands therein mentioned to which Acts His Hon^r was pleased to give his Assent except the Act for Facilitating the Navigation of Port Bath Port Roanoke and Port Beaufort which he Rejected.

And then his Honour was pleased to prorogue the General Assembly until the 27th day of November next &c

A true Copy

JN^o BURGWIN Clk

[P. R. O. NO. CAROLINA. B. T. VOL. 32.]

JOURNAL OF THE HOUSE OF ASSEMBLY

NORTH CAROLINA—SS.

At an Assembly begun and held at Wilmington the third day of February in the fourth year of the reign of our Sovereign Lord George the Third by the Grace of God of Great Britain, France and Ireland King; Defender of the Faith (and so forth) and in the year of our Lord, One Thousand seven hundred and sixty four; and from thence continued by several Prorogations to the third day of May in the fifth year of the reign of our Sovereign Lord George the Third etc, and in the year of our Lord one Thousand seven hundred and sixty five to be then held at New Bern being the third Session of this present Assembly.

Fryday the 3rd day of May 1765

M^r Speaker and Twenty five members appeared.

Resolved that two Members wait on his Honour the Gov^r and acquaint him the House is met, and desire to know when they shall wait on him.

M^r Samuel Johnston and M^r Robert Howe waited on His Honour the Governor and acquainted him the House was met, and desire to know when his Honour will be pleased to receive them, and being

returned reported they had in obedience to the direction of this House waited on his Honour the Governor, and acquainted him the House was met, that his Hon^r for answer said he would let them know when he would receive them. His Honour the Gov^r sent a verbal Message to the House desiring the Attendance of the House in the Council Chamber.

Mr Speaker with the House waited on His Honour the Governor in the Council Chamber where his Honour made a Speech to His Majesty's Honorable Council and this House a Copy of which to prevent mistakes, Mr Speaker obtained. Then the House returned, and Mr Speaker laid the same before the House.

Ordered the same be read. The same was read accordingly and resolved it be entered on the Journal of the House and is as follows Viz^t

[For the Governor's speech see Journals of the Upper House.—EDITOR.]

Ordered Mr Emsly, Mr Robert Howe, Mr Harnett and Mr Johnston prepare an Address in Answer to his Honour the Governor's Speech and lay the same before the House for Approbation.

Then the House adjourned till 10 o'clock tomorrow morning

Saturday the 4th of May 1765.

The House met according to Adjournment.

Two of the Members of His Majesty's Honourable Council came to the House, and Mr Pollock one of the Members for Bertie County appeared, and Mr John Barrow, and Mr Thomas Bonner the two Members for Beaufort County also appeared and took the Oaths by Law appointed for their Qualification Subscribed the Test and took their Seats in the House.

Mr Thomas Howe moved for leave to absent himself from the Service of the House till Tuesday next.

Ordered he have leave accordingly.

Then the House adjourned till 10 o'clock Monday morning.

Monday the 6th of May 1765.

The House met according to Adjournment.

Mr Edmond Smithwick, Mr John Harvey, Mr James Blount, Mr Andrew Knox, Mr William Bartram, Mr Benjamin Persons, and Mr Thomas Bell appeared and took their Seats.

Two of the Members of His Majesty's Honorable Council came to the House, and M^r Benjamin Harvey, and M^r James Blount two of the Members for Perquimans County appeared, took the Oaths by Law appointed for their Qualification subscribed the Test and took their Seats in the House.

M^r Corbin from the Committee appointed to prepare an Address in Answer to His Hon^{rs} the Gov^{rs} Speech Reported that the Committee had prepared the same which he laid before the House. Ordered the same be read, the same was read, and resolved the same stand the Address of the House, and be entered on the Journal thereof as follows (that is to say)

NORTH CAROLINA—SS.

TO THE HON^{ble} WILLIAM TRYON ESQ^r LIEUTENANT GOVERNOR
AND COMMANDER IN CHIEF IN AND OVER HIS MAJESTY'S PROV-
INCE OF NORTH CAROLINA.

The Humble Address of the Assembly of the s^d Province

SIR

We His Majesty's most dutifull and Loyal Subjects the Members of the Assembly of North Carolina beg leave to return your Honour our Hearty thanks for your Speech at the opening of this Session.

With the greatest Pleasure we congratulate your Hon^r on your Accession to this Government, and Esteem ourselves under the highest obligation for the early opportunity you have been pleased to give us of expressing our gratitude to His Majesty for His care and attention to the Welfare of this Province, in appointing a Gent^l as our Commander in Chief, from whose abilities and Integrity the Community have just reason to expect every happy Consequence. The Blessings of Peace which we so happily enjoy and which next to the Providence of Almighty God, we owe to the Wisdom of His Majesty's Councils and the Conduct & Bravery of His Commanders and Troops, excite in us the warmest sensations of gratitude to our most gracious Sovereign, under whose benign Government and Direction, this felicity was obtained, and we beg leave to assure your Honour that we will Endeavour to avail ourselves of this Season of Tranquility by paying due attention to the several matters you have so judiciously recommended, and by pursuing every other Method of Public Utility. Your Honours good Intentions to this Province so

affectingly declared, yield us the greatest Pleasure, merit our warmest acknowledgements, and render it incumbent on us to pursue every measure that can make your Administration easy and happy.

Yet pleasing as the assurances you give us are, they were not wanting to convince us that all your Actions must proceed from the most laudable motives, and that consequently your future conduct on which you so obligingly desire us to rely will be such as must do Credit to His Majestys Appointment Honour to yourself and render this Province flourishing and happy. Persuaded of this Sir, how pleasing are our prospects and how happy are we, in reflecting that to obtain the good opinion Favour and Protection of our Governor we have only to deserve them, and to deserve them need only to pursue such Measures as the real Interests of our Country and the Sentiments of Honour dictate, which must at the same time render us acceptable to our Constituents and gain us the Applause of our own Merits.

Your Honour may be assured that we shall most heartily unite with the Members of His Majesty's Honourable Council in all Matters productive of Public good, and that nothing would give us more Satisfaction than to be able to promote your happiness.

Mr Montfort moved that the Clerk furnish James Davis, Printer with a Copy of the Journal of the House daily, and that he acquaint the said James Davis the House direct him to print the same & dispense the Copys so printed to each Member of the House.

Then the House adjourned till 10 o'clock tomorrow morning.

Tuesday the 7th of May 1765.

The House met according to Adjournment.

Then the House adjourned till 4 o'clock Afternoon.

P. M. The House met according to Adjournment.

Mr Thomas Jones, Mr Andrew Knox, Mr Thomas Taylor, Mr Howell, Mr Baker, Mr Fifer, Mr Giles, Mr Bryan & Mr Bond appeared and took their Seats in the House.

Mr Benjamin Harvey and Mr Harnett waited on His Honour the Governor and acquainted him the House desire to know when they shall wait on him with the Address thereof: being returned, reported that His Honor will receive them at 12 o'clock tomorrow.

M^r Montfort moved a Committee be appointed to prepare and bring in a Bill for Establishing an Orthodox Clergy, and M^r Corbin, M^r Cummings and M^r Montfort are accordingly appointed.

M^r Brown moved a Committee be appointed to prepare and bring in a Bill to enable the Inhabitants of this Province to discharge Judgments, Executions and Public Taxes with Commodities, and M^r Corbin M^r Barrow, and M^r Brown are accordingly appointed

Ordered M^r Montfort prepare and bring in a Bill to appoint a Public Treasurer for the Southern District of this Province in the room of John Starkey Esq^{re} late Public Treasurer of the said District Deceased.

M^r Emsly, M^r John Harvey and M^r Harnett are appointed a Committee to prepare and bring in a Bill to enable the Post Master General to carry on the Post through this Province.

Then the House adjourned till 11 o'clock to-morrow morning.

Wednesday the 8th of May 1765.

The House met according to Adjournment.

M^r Speaker with the House according to Appoint^t of His Honour the Governor yesterday waited on His Honour in the Council Chamber with the Address of the House and presented the same to his Honour.

To which his Honour was pleased to Answer as follows. Viz^t

M^r SPEAKER & GENTMⁿ OF THE HOUSE OF ASSEMBLY.

The Testimonials of Duty, Loyalty and Gratitude you so warmly Express, for our most gracious Sovereign will I am persuaded be highly agreeable to His Majesty.

It gives me the most sensible satisfaction to have met with your Approbation in the Matters I have recommended to you, and I am convinced the happy Establishment of our religion will be the only Foundation on which the future prosperity of this Colony can Depend.

I am obliged to you Gentlemen for the early good Opinion you Express of me, and feel the most grateful sense of your Inclinations, to pursue every measure which can contribute to the Ease & Happiness of my Administration. In the Integrity of my Heart I must declare I look for neither Happiness nor Satisfaction in this

Country but in Proportion to the Assistance I meet with in my Endeavours to promote the Prosperity of its Inhabitants.

M^r Wynms, M^r Abner Nash and M^r Sugg appeared and took their Seats.

Then the House Adjourned till 11 o'clock tomorrow morning.

Thursday the 9th of May 1765.

The House met according to Adjournment.

M^r Thomas Cliff^d Howe presented a Certificate from Craven County Court thereby certifying that Hugh Rigby of Craven County is a proper person to be exempt from paying Public Taxes. Granted.

M^r Bertram presented a Certificate from the Vestry of S^t Martin's Parish in Bladen County recommending Lott Bordiew of the said Parish to be exempt from paying Public Taxes. Granted.

M^r Montfort moved for leave to present a Bill for altering the times for holding the Courts of Pleas and Quarter Sessions for the County of Cumberland.

Ordered to have leave accordingly.

M^r Montfort presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk passed and ordered to be sent to the Council.

Sent the same by M^r Knox and M^r Bond.

M^r Francis Nash moved for leave to absent himself from the Service of the House. Granted.

M^r Edmond Smithwick moved for leave to absent himself from the Service of the House. Granted.

The House being informed that M^r John Starkey one of the Members for Onslow County, & M^r Thomas Smith one of the Members for Hyde County are dead.

Ordered a Message be sent to His Honour the Governor to desire him to direct the Clerk of the Crown to issue Writs for Electing a Representative for each of the said Counties to sit and vote in this present Assembly.

Sent the following Message to His Honour the Governor viz^t

TO THE HONOURABLE WILLIAM TRYON ESQ^r LIEUTENANT GOVERNOR ETC.

SIR

M^r John Starkey one of the Members for Onslow County, and M^r Thomas Smith one of the Members for Hyde County are dead, there-

fore desire your Honour will be pleased to direct the Clerk of the Crown to issue Writs for Electing a representative for each of the said Counties to sit and vote in this present Assembly in the room and stead of the said John Starkey and Thomas Smith.

JOHN ASHE. Speaker.

Then the House adjourned till 4 o'clock Afternoon.

P. M. The House met according to Adjournment.

M^r Montfort moved for leave to present a Bill for appointing a Public Treasurer for the Southern District in the room of John Starkey Esq^r Deceased.

Ordered to have leave accordingly.

M^r Montfort presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk passed and ordered to be sent to the Council.

Sent the same by M^r Knox and M^r Bond.

M^r John Harvey from the Committee appointed to prepare a Bill to enable the Post Master General to carry on a Post through this Province. Reported that the Committee had prepared the same.

M^r Harvey presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk.

Passed and ordered to be sent to the Council.

Sent the same by M^r Knox and M^r Bond.

M^r Taylor presented the Petition of several of the Inhabitants in and near the Town of Nixonton in Pasquotank County setting forth that a resurvey of the said Town is made, etc, Praying etc.

M^r Taylor moved for leave to present a Bill pursuant to the prayer of the said Petition.

Ordered he have leave accordingly.

M^r Taylor presented the said Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk, passed and ordered to be sent to the Council.

Sent the same by M^r Knox and M^r Bond.

M^r George Moy one of the Members for Pitt County appeared.

M^r Ormond presented a Certificate from Beaufort County Court thereby certifying that James Rooks of said County is very aged poor and Infirm, and recommending he be exempt from paying Taxes & doing Public Duties. Granted.

M^r Persons presented a Certificate from Bute County Court therein certifying that John Bush & Ambrose Petty are poor and infirm and recommending them to be exempt from paying Taxes and doing Public Duties. Granted.

Then the House adjourned till 10 o'clock to-morrow morning.

Fryday the 10th of May 1765

The House met according to Adjournment.

M^r Corbin from the Committee appointed to prepare a Bill for the Establishing an Orthodox Clergy. Reported the Committee had prepared the same which he read in his place and delivered in at the Table where the same was again read by the Clerk. Passed and Ordered to be sent to the Council.

Sent the same by Col^o Barrow and Col^o Bell.

M^r Brown from the Committee appointed to prepare and bring in a Bill to enable the Inhabitants of this Province to discharge Judgments, Executions, and Public Taxes in Commodities. Reported the Committee had prepared the same, which he read in his Place and delivered in at the Table where the same was again read by the Clerk, passed & ordered to be sent to the Council.

Sent the same by M^r Brown & M^r Thos^s Bonner.

M^r Farquhar Campbell and M^r Walter Gibson appeared and took their Seats.

Then the House adjourned till 3 o'clock Afternoon

P. M. The House met according to adjournment

M^r Montfort presented the Petition of Thomas Hart late Sheriff of Orange County for the year 1763, & in virtue thereof was to collect the Public Tax for that year but by misinformation of the late Public Treasurer for the Southern District of the whole amount of the said Tax for that year he should have received from the said County, therefore collected one Shilling and sixpence short of the true amount of the said Tax for that year etc.

Praying relief etc.

Ordered M^r Montfort prepare and bring in a Bill pursuant to the prayer of the said Petition.

M^r Montfort pursuant to Order presented a Bill to empower the Sheriff of Orange County to collect a Tax of One shilling and sixpence Proclamation money laid on the Taxable persons in the said County by an Act of the Assembly of this Province passed in the

fourth year of the reign of his present Majesty which he read in his place and delivered in at the Table where the same was again read by the Clerk passed and ordered to be sent to the Council.

Sent the same by M^r Howe and M^r Persons.

M^r Robert Howe presented the Petition of Jonathan Swain and others, Pilots of Cape Fear River, showing the pilotage of the said river is very Low etc.

Praying the same may be by Law raised etc.

Ordered M^r Robert Howe prepare and bring in a Bill pursuant to the prayer of the said Petition.

M^r Howe pursuant to order presented a Bill to amend part of an Act Intituled an Act for regulating the Pilotage of Cape Fear river and other purposes which he read in his place and delivered in at the Table where the same was again read by the Clerk Passed and ordered to be sent to the Council.

Sent the same by M^r Howe and M^r Persons.

Then the House Adjourned till 9 o'clock tomorrow morning

Saturday the 11th of May 1765.

The House met according to Adjournment.

Received from the Council the following Bills — viz^t

The Bill for Establishing an Orthodox Clergy.

The Bill for appointing a Public Treasurer for the Southern District in the room of John Starkey Esq^{re} Deceased.

The Bill to enable the Post Master General to carry on the Post through this Province.

The Bill to amend part of an Act entitled, an Act for regulating the pilotage of Cape Fear River and other purposes.

The Bill for regulating the Town of Nixonton etc

The Bill to enable the Inhabitants of this Province to discharge Judgments, Executions and Taxes with Commodities.

The Bill to empower the Sheriff of Orange County to Collect a Tax laid on the Taxable Persons in the said County etc

Endorsed 10th of May 1765. In the Upper House read the first time and passed.

M^r Harnett moved for leave to present a Bill to amend an Act entituled An Act to prevent the Exportation of unmerchable Commodities.

Ordered he have leave accordingly.

Mr Harnett presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk, passed and ordered to be sent to the Council.

Sent the same by Mr Taylor and Mr Mackelwean

On Motion Ordered the Bill to enable the Post master General to carry on the Post through this Province be read a second time.

Read the same a second time. Then on motion that the said Bill Pass. The Question was put and passed in the Negative. On Motion resolved the House into a Committee of the whole House on next Monday to consider the Subject Matter of the Bill for Establishing an Orthodox Clergy.

On Motion ordered the Bill for regulating the Town of Nixonton be read a second time, read the same a second time, passed and ordered to be sent to the Council.

Sent the same by Mr Taylor and Mr Mackelwean

On Motion resolved the House resolve into a Committee of the Whole House on Monday next to consider the Bill to enable the Inhabitants of this Province to discharge Judgments, Executions and so forth, with Commodities.

On Motion ordered the Bill for appointing a Public Treasurer for the Southern District in the room of John Starkly Esq^r Deceased, be read a second time, read the same a second time, amended passed and ordered to be sent to the Council.

Sent the same by Mr Taylor and Mr Mackelwean.

On Motion ordered the Bill to impower the Sheriff of Orange County to collect a Tax of one shilling and six pence Proclamation money laid on the Taxable Persons in the said County etc be read the second time, read the same passed and ordered to be sent to the Council.

Mr Baker moved for leave to present a Bill for opening and cutting two roads from the Ferry on the North West river opposite Eagles Island in Brunswick County and other purposes.

Ordered to have leave accordingly.

Mr Baker presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk.

Passed and ordered to be sent to the Council.

On motion, ordered the Bill to amend part of an Act intituled An Act for regulating the pilotage of Cape Fear river etc be read the second time. Read the same a second time Passed and ordered to be sent to the Council.

Sent the above three Bills by M^r Moore & M^r Blount
Then the House adjourned till 3 o'clock Afternoon.

P. M. The House met according to Adjournment.

Received from the Council the Bill for appointing a public Treasurer for the Southern District in the room of John Starkey Esq^r Deceased. Endorsed 11th of May, 1765. In the Upper House read the second time, Amended and passed.

The Bill to amend an Act intituled An Act to prevent the Exportation of unmerchable commodities

The Bill to impower the Sheriff of Orange County to collect a Tax of one shilling and six pence laid on the Taxable persons of the said County etc, and the Bill for regulating the Town of Nixonton. Endorsed 11th of May 1765. In the Upper House of Assembly, read the second time & Passed.

And also the Bill for opening and cutting two roads from the Ferry on the Northwest river opposite Eagles Island in Brunswick County etc. Endorsed 11th of May 1765. In the Upper House of Assembly read the second time and passed.

M^r Caswell moved for leave to bring in a Bill for appointing a Printer to this Province.

Ordered he have leave accordingly.

M^r Caswell presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk, passed and ordered to be sent to the Council.

Sent the same by M^r Caswell and Col^o Harvey.

Received from His Honor the Governor a written Message as follows (To wit)

M^r SPEAKER & GENT^l OF THE HOUSE OF ASSEMBLY.

I send you some Minutes of the Lords Commissioners for Trade and Plantations bearing date the 13th of December 1763, and desire to be informed what were the objections made to that Act and likewise what was the request made by the Assembly to His Majesty referred to by the Minutes.

W^m TRYON.

Fryday 10th May 1765.

And also an Extract of the said Minutes.

Ordered the same lye for Consideration till Monday next.

Mr Harnett moved for leave to present a Bill for enlarging the time allowed for saving Lotts in the Town of Campbleton and Tarborough and other Purposes.

Ordered he have leave accordingly.

Mr Harnett presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk, Passed and ordered to be sent to the Council.

Sent by Mr Campbell and Mr Gibson.

Mr Joseph Williams moved for leave to absent himself from the service of the House. Granted.

Then the House adjourned till 9 o'clock Monday morning

Monday the 13th May 1765.

The House met according to adjournment

Mr John Harvey moved for leave to present a Bill for facilitating the Navigation of Port Bath, Port Roanoke and Port Beaufort.

Ordered he have leave accordingly.

Mr Harvey presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk Passed and ordered to be sent to the Council.

On motion ordered the Bill for appointing a Public Treasurer for the Southern District in the room of John Starkey Esq^r Deceased, be read the third time.

Read the same a third time, Amended, passed and ordered to be sent to the Council.

On motion ordered the Bill to impower the Sheriff of Orange County to collect a tax of one shilling & six pence Proclamation money etc be read the third time.

Read the same a third time passed and ordered to be sent to the Council.

Received from the Council the Bill for enlarging the time for saving Lotts in the Towns of Campbleton and Tarborough. Endorsed the 13th May, 1765. In the Upper House read the first time and passed.

On motion Ordered the Bill for regulating the Town of Nixonton etc be read the third time.

Read the same a third time, Amended, Passed, and ordered to be sent to the Council.

Mr Cummings moved for leave to present a Bill for altering the times of holding the Superior Court of Pleas and Quarter Sessions

in the Counties of Pitt Hyde, Beaufort, Hertford, Bertie and Halifax.

Ordered he have leave accordingly.

M^r Cummings presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk

Passed and ordered to be sent to the Council.

Sent the above five Bills by M^r Cummings and M^r Montfort.

The order of the day being read the House took under Consideration His Honour's the Governor's Letter, & the Extract of the Minutes of the Proceedings of the Lords Commissioners for Trade and Plantations dated the 13th of December 1763 and after maturely considering the same Resolved the following Message be sent to His Honour the Governor. Viz^t

TO THE HON^{ble} WILLIAM TRYON ESQ^{re} LIEUTEN^t GOVERNOR ETC
SIR

In Answer to your Message of the 10th inst. you will be pleased to understand that, that Act of Assembly referred to by the Extract of the Minutes of the Proceedings of the Lords Commissioners for Trade and Plantations sent with your Message is an Act entituled "An Act for granting to His Majesty the sum of Forty Thousand Pounds" etc by which among other things the sum of £18000 Procl: is appropriated for erecting Public Schools and purchasing Glebes in the several Parishes in this Province subject to a suspending Clause in the said Act until His Majesty's Royal approbation thereof should be had soon after the passing the said Act the Assembly instructed their Agent to apply for such his Majesties Approbation on which occasion it seems their Lordships were of opinion that it was improper to report the said Act as fit to receive the Royal sanction on Account of several objections which were pointed out and the late Governor instructed to lay before the Assembly in order that it might be amended and the particulars objected to, but for what reason we know not, the said objections have never yet been laid before the Assembly. We therefore request your Honor to represent the state of this case truly to His Majesty that the Assembly may thereby be acquitted from the imputation of having neglected to pay a dutiful obedience to His Majestys Commands, and the impropriety of making a second application to the Board of Trade without taking proper notice of

the answer given by their Lordships to their first request and this House further requests that your Honor will obtain a Copy of the said objections and lay them before the Assembly that they may have an opportunity of manifesting their readiness to comply with His Majestys Instructions in amending the said Act, as far as may be compatible with the Interest of the Country and that Duty which the Members owe to their Constituents.

JOHN ASHE Speaker.

May 13th 1765.

Sent by M^r Corbin and M^r Persons.

The order of the day being read the House resolved into a Committee of the whole House to take under Consideration the Bill for Establishing an Orthodox Clergy and unanimously chose M^r John Harvey Chairman. After some time spent therein M^r Speaker resumed the Chair. M^r Chairman reported the Committee had propo^d several Amendments to the said Bill, and came to several Resolutions thereon which he laid before the House, and were read, Resolved the said Amendments be inserted in the Bill, the same were accordingly inserted, and ordered the said Bill be read a second time, read the same a second time with the said Amendments, passed & ordered to be sent to the Council.

Sent the same by M^r Howe and M^r Blount.

Received from the Council the Bill for facilitating the Navigation of Port Bath, Port Roanoke, and Port Beaufort, and the bill for altering the time of holding the Superior Courts of Pleas and Quarter Sessions for the Counties of Pitt, Hyde, etc, Endorsed 13th of May 1765. In the Upper House of Assembly read the first time and passed.

And the Bill to amend part of an Act intituled "An Act for regulating the Pilotage of Cape Fear River," etc Endorsed 13th of May 1765. In the Upper House read the second time and Passed with Amendments.

Then the House adjourned till 5 o'clock afternoon.

P. M. The House met according to Adjournment.

On motion Ordered the Bill for enlarging the time of saving Lotts in the towns of Campton and Tarborough be read the second time.

Read the same a second time, amended, passed and ordered to be sent to the Council.

Sent the same by M^r Howe and M^r Blount.

M^r Harnett moved for leave to present a Bill confirming the Title of William Dry Esq^r to certain Lands therein mentioned.

Ordered he have leave accordingly.

M^r Harnett presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk, Passed and Ordered to be sent to the Council.

Sent the same by M^r Howe and M^r Blount.

The order of the day being read the House resolved into a Committee of the whole House to consider the Subject-matter of the Bill to enable the Inhabitants of this Province to discharge judgments etc. with Commodities etc, and chose M^r Cummings Chairman who took the Chair accordingly.

After some time spent therein M^r Speaker resumed the Chair.

Mr. Chairman reported the Committee had proposed several Amendments to the said Bill, but not having time to reduce them into form desire leave to sit again tomorrow.

Resolved the Committee sit again tomorrow.

Then the House adjourned till 9 o'clock tomorrow morning

Tuesday 14th of May 1765.

The House met according to adjournment.

The Order of the day being read the House resolved into a Committee of the whole House and M^r Chairman took the Chair, After some time M^r Speaker resumed the Chair. M^r Chairman reported the Committee had reduced into form the several Amendments proposed to the Bill to enable the Inhabitants of this Province to discharge judgments etc, and laid the same before the House, Ordered the said Amendments be read, the same were read, resolved they be inserted in the said Bill. The same are inserted accordingly Then on motion Ordered the said Bill pass the second time with the s^d Amendments, and be sent to the Council.

Sent the same by M^r Brown and M^r Giles.

Received from the Council the Bill for enlarging the time for saving Lotts in he Towns of Campbleton and Tarborough. Endorsed the 14th May 1765. In the Upper House read the second time and Passed.

The Bill for establishing an Orthodox Clergy. Endorsed the 14th of May 1765. In the Upper House read the second time, Amended and Passed.

Then the House adjourned till 3 o'clock afternoon.

P. M. The House met according to adjournment.

On motion Ordered the Bill for altering the times for holding the Superior Courts of Pleas and Quarter Sessions for the Counties of Pitt, Beaufort, Hyde, Hertford, Bertie and Halifax, be read the second time.

Read the same a second time, Amended and Passed, and ordered to be sent to the Council.

Sent by Mr Brown and Mr Giles.

Mr Nash moved the House resolve the sum of One Hundred thirty three Pounds six shillings and eight pence procl^a money for one year, and from thence to the end of the next Session of Assembly inclusive of last Session be paid to the Post Master General or his Agent on condition that he cause the Post to ride through this Province & carry public Dispatches and Letters to and from Suffolk in Virginia to the Southern Boundary of the Province once every Fortnight during the Term aforesaid, & that the same shall be paid by the Treasurers of this Province out of the fund for Contingencies by a Warrant from the Lieutenant Governor or Commander in Chief of this Province for the time being after performing the said Service.

Resolved the same lye till tomorrow for Consideration.

On motion, Ordered the Bill for opening and cutting two roads from the Ferry on North West River opposite Eagles Island in Brunswick County etc, be read the second time. Read the same a second time Amended. Passed and ordered to be sent to the Council

Sent by Mr Brown and Mr Giles.

On motion, Ordered the Bill to amend part of an Act for regulating the Pilotage of Cape Fear River be read the third time. Read the same a Third time, Amended Passed and ordered to be sent to the Council.

Sent the same by Mr Brown and Mr Giles.

On motion, Ordered the Bill for facilitating the Navigation of Port Bath, Port Roanoak and Port Beaufort be read a second time.

Read the same a second time amended, passed, and ordered to be sent to the Council.

Sent the same by M^r Brown and M^r Giles.

On Motion, ordered the Bill for confirming the Title of William Dry Esq^{re} to certain Lands therein mentione^d be read the second time. Read the same a second time, passed and ordered to be sent to the Council.

Sent by M^r Thos. Howe and M^r Blount.

Received from His Honour the Governor a written Message as follows, (Viz')

M^r SPEAKER & GENTLEMEN OF THE HOUSE OF ASSEMBLY.

The enclosed Papers I sent you were delivered to me in behalf of M^r Clear. If you are of Opinion with me that the loss he declares to have sustained in Proclamation Money is well attested, I recommend the same to be taken into your Consideration.

W^m TRYON.

Tuesday 14th of May 1765.

Ordered the said Message and Papers lye for Consideration till to-morrow.

Then the House adjourned till 9 o'clock to-morrow morning

Wednesday the 15th of May 1765.

The House met according to Adjournment.

On Motion Ordered the Bill to amend an Act intituled "An Act to prevent the Exportation of the merchantable Commodities, be read the second time Read the same a second time, Amended passed and ordered to be sent to the Council.

The order of the day being read, the House took into Consideration His Honour the Governor's Message, & the Papers therewith sent yesterday, and resolved that the said Peter Clear the Petitioner with Papers referred to, be allowed and paid the sum of seventy six Pounds out of the money that shall be paid into the Committee of Accounts (at the next Session of the Assembly) on the Sinking Fund.

Resolved the following Message be sent to His Majesty's Honourable Council. Viz^t—

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL,

On Consideration had of a Message from His Honour the Gov-

ernor to this House, and the Papers therewith sent, which Papers we send your Honour with this Message.

This House have resolved that the sum of Seventy six pounds be allowed and paid to the Petitioner Peter Clear out of the Monies that shall be paid into the Committee of Accounts at the next Session of Assembly on the Sinking Fund and desire your Honour's concurrence therewith.

JOHN ASHE Speaker.

Sent by Mr Bond and Mr Jones.

Received from the Council the Bill for confirming the Title of William Dry Esq^r to certain Lands therein mentioned, And the Bill for opening and cutting two Roads from the Ferry on the North West River, opposite Eagles Island in Brunswick County, etc Endorsed the 15th May 1765. In the Upper House read the second time Amended and Passed.

And the Bill to enable the Inhabitants of this Province to discharge all Public Taxes with Commodities. Endorsed the 15th of May 1765. In the Upper House read the second time and passed.

The Order of the day being read the House took into consideration the motion for an Allowance to the Post Master General or his Agent to carry on a Post through this Province.

Resolved the said motion be rejected.

Then Mr Attorney General moved a Committee be appointed to agree with the Post Master General for carrying on a Post to convey all Public Dispatches & Letters from Suffolk in Virginia to the Southern Boundary in this Province.

The Assembly therefore taking into Consideration the General advantage that will accrue to this Province from having a Public Post Established therein, and that the Common Profits arising in the Conveyance of Pacquets and Letters will not be sufficient to defray the Expence thereof; and being desirous that a matter of such Public Utility should take Effect, but not having received proper Information what sum will be suitable Encouragement for the Post Master General to establish such a post, on which Account it is thought in some measure premature to pass any Law relative to the said Matter.

Resolved that Mr Jn^o Harvey, Mr Corbin, Mr Pollock, Mr Sam^l Johnston, and Mr Charles Blount, be and they are hereby appointed

a Committee to contract and agree with the Post Master General or his Deputy to cause a Person or persons to ride Post through this Province, and to carry all Public Dispatches and Letters to and from Suffolk in Virginia to the Southern Boundary of this Government as often as conveniently may be and to allow to the said Post Master General or his Deputy for the due performance of such service, a sum not exceeding the rate of one Hundred thirty three Pounds six shillings and eight pence Proclamation Money per annum to be paid out of the Public Treasury by a Warrant from the Governor or Commander in Chief for the time being and to report their Proceedings thereon to the next General Assembly, and the agreement which the said Committee or Majority of them shall so enter into for the purposes aforesaid shall be and remain in full force for the space of one year from and after a Public Post shall be established as aforesaid and from thence to the end of the next Session of Assembly and no longer.

Resolved the following Message be sent to the Council

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL.

This House having taken into Consideration the General Advantage that will arise to this Province from having a Public Post established therein, and that the common profits arising on the Conveyance of Pacquets and Letters will not be sufficient to defray the expences thereof; and being desirous that a matter of such Public Utility should take Effect, but not having received proper Information what sum will be a sufficient Encouragement for the Post Master General to establish such a Post on which account it is thought in some measure premature to pass any Law relative to the said matter, have therefore resolved that M^r John Harvey, M^r Corbin, M^r Pollock, M^r Samuel Johnston and M^r Charles Blount be, and they are hereby appointed a Committee to contract and agree with the Post Master General or his Deputy to cause a Person or persons to ride post through this Province and to carry all Public Dispatches and Letters to and from Suffolk in Virginia to the Southern Boundary of this Government as often as conveniently may be, and to allow the said Post Master General or his Deputy for the due performance of such service, a sum not exceeding the rate of One Hundred thirty three pounds six shill^{ings} and eight pence Proclamation money to be paid out of the public Treasury by a Warrant from the Governor or Commander in Chief for the time being, and

to report their Proceedings thereon to the next General Assembly and the agreement which the said Commissioners or the Majority of them shall so enter into for the purposes aforesaid be and remain in full force for the space of one year, from and after a Public Post shall be established as aforesaid and from thence to the end of the next Session of Assembly & no longer, to which desire your Hon^{rs} Concurrence.

JOHN ASHE Speaker.

Sent by M^r Simpson and M^r Wynns.

On motion Ordered the Bill for confirming the Title of William Dry Esq^r to certain Lands therein mentioned be read the third time.

Read the same a third time Amended, Passed and ordered to be sent to the Council

On motion Ordered the Bill for Establishing an Orthodox Clergy be read the third time.

Read the same a third time, amended, passed and ordered to be sent to the Council.

Sent the above two Bills by M^r Simpson & M^r Wynns.

M^r Montfort in behalf of William Dry Esq^r presented a Certificate dated the first day of October 1764 from Captain John Paine the commanding officer of Fort Johnston that he has finished and completed the said Fort agreeable to a resolve of this House at February Session 1764

Then the House adjourned till 4 o'clock afternoon.

P. M. The House met according to adjournment.

On motion Ordered the Bill for enlarging the time for saving Lotts in the Towns of Campbleton and Tarborough, be read the third time.

Read the same a third time, Passed and Ordered to be sent to the Council.

On motion Ordered the Bill for opening and cutting two roads from the Ferry on the Northwest River opposite Eagles Island in Brunswick County etc, be read the third time.

Read the same a third time, amended passed, and ordered to be sent to the Council.

Sent the above two Bills by M^r Simpson and M^r Wynns.

Then the House adjourned till 9 o'clock tomorrow morning.

Thursday the 16th of May 1765.

The House met according to adjournment

Received from the Council the following Message, viz^t

M^r SPEAKER & GENTLEMEN OF THE ASSEMBLY.

On reading a third time in this House the Bill to empower the Sheriff of Orange County to collect a tax of one shilling and six pence Proclamation money laid on the taxable Persons in the said County by an Act of the Assembly of this Province, passed in the fourth year of the reign of his present Majesty, we find that there is a mistake in the first Clause of the said Bill that would defeat the intent of the Bill, We therefore propose that that clause be *Deled*, and the following one inserted in stead thereof viz^t

Be it enacted by the Lieutenant Governor, Council & Assembly, and by the authority of the same that the said Pole Tax of one shilling and six pence for each taxable in the County of Orange, part of the Public Tax omitted by the said Thomas Hart in his collection in the Year one Thousand seven Hundred and sixty three, shall be received and collected by the Sheriff of Orange County in his collection of Public Taxes in the year of Our Lord one Thousand seven Hundred and sixty five, which said Tax of one shilling and six pence so collected, shall by him be accounted for and paid to the Treasurer of the District in the same manner and under the like Penalties as are by Law directed for the collecting, accounting for and paying of other Public Taxes.

To which Amendments if your House agree be pleased to send such of your Members as you think proper, to see the same made.

Resolved the House agree to the said Amendments and that the following Message be sent to the Council.

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL.

To the *deleing* the Clause by you proposed to the Bill to empower the Sheriff of Orange to collect a Tax of one shilling and six pence etc, & inserting another in the room thereof, mentioned in your Message of this day we thereto agree and send M^r John Harvey and M^r Cummings two of the members of this House to see the one *deled* and the other inserted in the stead thereof.

JOHN ASHE Speaker.

Sent by M^r Harvey and M^r Cummings.

Received from the Council the following message. viz^t

On reading in this House a third time the bill to amend part of an Act intituled "An Act for regulating the Pilotage of Cape Fear River and other purposes, We observe you have *deled* the Clause for rating the Pilotage and have not *deled* the Clause immediately following which relates thereto only. We therefore would propose, that that Clause fixing the rates for Pilots be stated or the Clause referring to it be *deled*. We also observe that you have *deled* the Clause laying an additional duty on Vessels of six pence per ton. As there is an absolute necessity that such a duty should be laid for the purpose therein mentioned.

We propose to *stet* the same to be in force for twelve months only, and for an encouragement to the Pilots to do their duty we would propose the following Clause be added to the Bill.

And be it further enacted by the authority aforesaid that any person who shall presume to pilot any Vessel (unless in distress) not having a regular branch according to the Directions of the before recited Act shall forfeit and pay Twenty pounds proclamation money for every such offence, to be recovered by any person suing for the same in any Court having Cognizance thereof, by Action of debt, bill, plaint, or information, wherein no Essoin, Injunction, Protection or Wager of Law shall be allowed of.

We also propose the following proviso be added to the said Bill. viz^t

Provided always that no lighter or other small Vessel belonging to the river of Cape Fear, that may be sent to any of the Ports or Inlets along the Coast for Tar or other Effects shall be obliged to pay any pilotage, unless the Master of such lighter Vessel or take on board a Pilot, in which Case the Pilot, piloting the said Vessel may demand and receive the same pilotage as he may be intitled to by virtue of the before recited Act.

If your House agree to these Amendments you will be pleased to send such of your members as you think proper to see the same inserted in the Bill.

On motion Resolved the Bill to enable the Inhabitants of this Province to discharge all Public County and Parish Taxes with Commodities be read the third time.

Read the same a third time, Amended, passed and ordered to be sent to the Council.

Sent by M^r John Harvey and M^r Cummings.

Resolved the following Message be sent to the Council.

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL.

On reading your Message of yesterday relative to the Bill to amend part of an Act intituled "An Act for regulating the Pilotage of Cape Fear River etc, this House agree to *dele* the Clause in the said Bill immediately following that for rating the Pilotage, to the insertion of that you propose laying a penalty of Twenty Pounds on any person (not a branch pilot etc) for piloting any Vessel only adding after the word Vessel (unless in distress) we also agree to the provisional Clause you mention to be added, and send Mr John Harvey & Mr Cummings two of the Members of this House to see the said alterations made.

JOHN ASHE Speaker.

Received from the Council the following Message viz^t

Mr SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

On reading a third time the Bill for Establishing an Orthodox Clergy, we think the repealing Clause therein contained is penned in too General words etc, and therefore propose that the first part of the repealing Clause to the word except, be *deled*, and instead thereof that such repealing Clause run in these words.

And be it further enacted by the authority aforesaid, that all and every Act and Acts heretofore passed relative to the making Provision for an Orthodox Clergy and all and every clause & article contained in any such Act or Acts except etc^t (as in the Bill).

To which Amendments if you agree please to send two of your members to see the same made.

Ordered the same lye for Consideration.

Received from the Council the Resolve of this House sent to them yesterday relative to the allowance of seventy six pounds to Peter Clear, etc. Endorsed May 16th 1765. In the Upper House the above resolve was taken into Consideration and concurred with.

JA^s HASELL President.

Mr Cummings and Mr Jones moved for leave to absent themselves from the service of the House tomorrow.

Ordered they have leave accordingly.

Received from the Council the Bill for opening and cutting two Roads from the Ferry on the North West River opposite Eagles

Island in Brunswick County And the Bill Confirming the Title of William Dry Esq^{re} to certain Lands therein mentioned. Endorsed 16th May 1765. In the Upper House read the third time and Passed.

Ordered to be Engrossed.

Received from the Council the Resolve of this House sent to them yesterday relative to the Post. Endorsed May 16th 1765. In the Upper House the foregoing Resolve was taken under Consideration and Concurred with.

J^A HASELL President.

Resolved the said Message with the Endorsement thereon be sent by the Council to the Governor for Concurrence.

Sent by M^r Harvey and M^r Rob^t Howe.

On motion Ordered the Bill for facilitating the Navigation of Port Bath, Port Roanoke and Port Beaufort, be read the third time. Read the same a third time, Amended, passed and ordered to be sent to the Council.

Sent the same by M^r John Harvey and M^r Cummings.

Received from the Council the following Message viz^t

M^r SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

On reading a third time the Bill for appointing a Public Treasurer for the Southern District in the room of John Starkey Esq^{re} deceased we observe you have *deled* Lewis DeRossett, nominated in this House for the vacancy, and have *steted* Richard Caswell Esq^{re} that was *deled* in this House, we therefore propose that the name of Lewis D^eRossett be *steted* & that of Richard Caswell Esq^{re} be *deled* otherwise we cannot pass the Bill, if you agree to this Amendment please to send two of your Members to see the same made.

Resolved the following Message be sent to the Council

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

In answer to your Message this day relative to the Bill for appointing a Treasurer for the Southern District in the room of John Starkey Esq^{re} Deceased, wherein you propose to *dele* Richard Caswell, Esq^{re}, and *steting* Lewis DeRossett Esq^{re} to which proposition we do not agree, and desire your Honours will pass that Bill as it was sent you from this House.

JOHN ASHE Speaker.

Resolved the following Message be sent to the Council

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL.

On reading your Message this day relative to the Bill for Establishing an Orthodox Clergy wherein you think the repealing Clause in that Act is penned too General, and propose that the first part of the to the word Except, be *deled*; and instead thereof, to insert a repealing clause as you therein mention to which this House agree, and send M^r Thomas Howe and M^r James Moore two of the Members of this House to see the same inserted in that Bill.

JOHN ASHE Speaker.

Sent by M^r Tho^s Howe and M^r James Moore.

Then the House adjourned till 3 o'clock Afternoon.

P. M. The House met according to Adjournment.

Received from the Council the Bill to empower the Sheriff of Orange County to collect a Tax of one shilling and six pence Proclamation money etc. Endorsed May 16th 1765. In the Upper House read the third time, Amended & Passed.

Ordered to be Engrossed.

His Honour the Governor returned the Message sent to him this day by Col^o Harvey and M^r Robert Howe relative to the Post, for his Concurrence. Endorsed May 17th 1765. Concurred with

W^m TRYON.

Resolved that William Godfry be paid the sum of Ten Pounds out of the Public Treasury from the Contingent Fund for his service and expence in Transmitting the Copy of the Laws passed last Session of Assembly from Wilmington to James Davis Printer in New Bern.

Resolved the following Message be sent to the Council

This House have resolved that William Godfry be paid out of the Public Treasury from the Contingent Fund for his service and expence, in transmitting a Copy of the Laws of last Session of Assembly from Wilmington to James Davis Printer in New Bern, and desire your Honour's Concurrence thereto.

JNO ASHE Speaker.

Sent by M^r Tho^s Howe and M^r James Moore.

M^r Robert Jones moved for leave to absent himself from the service of the House.

Ordered he have leave accordingly.

Received from the Council the Bill for Establishing an Orthodox Clergy. Endorsed May 16th 1765. In the Upper House read the third time, Amended & Passed.

Ordered to be Engrossed.

Then the House adjourned till tomorrow morning 9 o'clock

Fryday 17th May 1765.

The House met according to adjournment.

Received from the Council the Bill for facilitating the Navigation of Port Bath, Port Roanoke & Port Beaufort. Endorsed May 17th 1765. In the Upper House read the third time and Passed.

Ordered to be Engrossed.

M^r Cole moved for leave to absent himself from the service of the House.

Ordered he have leave accordingly.

M^r Joseph Jones one of the Members for Pasquotank County appeared.

On motion of M^r Thomas Clifford Howe, that James Davis Printer be allowed a sufficient sum to print the Laws and Journals of this Session, and transmit the same to the several inferior Courts in this Province, and others as usual.

Resolved that James Davis of the town of New Bern be and is hereby appointed to print the Laws and Journals of this Session of Assembly, and all Public Acts of Government, and that he transmitt two Copies of the Laws and Journals to his Honour the Lieutenant Governor one to the Chief Justice, and his Associate for each District, one to each Member of His Majesty's Council, one to each Member of Assembly one Copy to the Clerk of each Superior Court, Fifteen Copies to each Superior Court Clerk for the use of the Justices; and one to every such Clerk for the use of the Court within three months after the said James Davis shall have received attested Copies of the said Laws and Journals, and for his service he shall be paid by the Public Treasurers, or either one of them, by a Warrant from the Governor or Comm^{er} in Chief for the time being, the sum of One Hundred Pounds, proclamation money, and if he shall be guilty of any neglect in not complying with this

Resolve there shall be a deduction out of such allowance made by the Assembly.

Resolved the above resolve be sent to His Majesty's Council for Concurrence.

Then the House adjourned till 3 o'clock afternoon.

P. M. The House met according to Adjournment.

Two of the Members of His Majestys Hon^{ble} Council came to the House, and Mr Joseph Jones one of the Members for Pasquotank County appeared, took the oaths by Law appointed for his Qualification, subscribed the Test and took his seat in the House.

Then the House adjourned till 9 o'clock tomorrow morning.

Saturday May 18th 1765.

The House met according to Adjournment.

Mr Gibson and Mr Campbell moved for leave to absent themselves from the service of the House.

Ordered they have leave accordingly.

Resolved that Couchet Jouvencal be continued Agent for this Province for the twelve months to commence from the Expiration of his last appointment to that office by the Assembly.

Resolved that Robert Howe Esq^{re} be and he is by this House appointed to be added to the Committee of Correspondence in the room and stead of John Starkey Esq^{re} deceased, and vested with the same power and authority, the surviving Members of the said Committee are vested with.

James Davis Printer produced his Account against the Public on oath by which it appears there is a ballance due him of £90 Procl. Money.

Resolved the said sum of £90 be paid to the said James Davis by the Public Treasurer by a Warrant from the Governor or Commander in Chief for the time being out of the Contingent Tax.

Resolved the above resolves be sent to the Council for Concurrence.

Received from the Council the following Message, viz^t

Mr SPEAKER & GENTLEMEN OF THE ASSEMBLY

This House desire all Letters and Papers received from the Agent in England since last Session of Assembly, be sent for their perusal.

Sent the foregoing Resolves by M^r Taylor and M^r George Barrowe. Then the House adjourned till 4 o'clock afternoon.

P. M. The House met according to Adjournment.

Received from the Council the Estimates of this House sent them this day. Endorsed 18th May 1765. In the Upper House concurred with.

JAMES HASELL President.

Sent the following Message to the Council, viz^t

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL.

Being informed that in the Resolve sent to your Honour's of the 17th Instant for your Concurrence, relative to James Davis Printer the said Davis is not directed to furnish your Hon^{rs} with Copies of the Laws and Journals which omission we assure your Honours has been owing to an error of the Clerk in transcribing the same from the Journals and contrary to the intentions of this House.

JNO ASHE Speaker.

His Honour the Governor sent a Message to the House requiring the immediate attendance thereof in the Council Chamber.

M^r Speaker with the House waited on his Honor the Governor in the Council Chamber, and M^r Speaker presented the following Acts to His Honor for his Assent

"An Act for Establishing an Orthodox Clergy.

"An Act for facilitating the Navigation of Port Bath, Port Roanoak and Port Beaufort

"An Act for Opening & cutting two roads from the Ferry on the North West of Cape Fear etc.

"An Act to empower the Sheriff of Orange County to collect a tax of one shilling and sixpence, procl. money laid on the taxable persons in the s^d County.

"An Act for confirming the title of William Dry Esq^{re} to certain Lands therein mentioned.

To all of which (except the Act facilitating the Navigation of Port Bath, Port Roanoak, and Port Beaufort etc) his Honor was pleased to assent.

Then the House returned and M^r Speaker acquainted the House his Honour the Governor had passed the above mentioned Bills.

Then the House adjourned till 10 o'clock Monday morning, but was prorogued by Proclamation to the 27th day of November next.

[FROM HUSBANDS' BOOK ABOUT THE REGULATION.]

A serious address to the inhabitants of Granville county, containing a brief narrative of our deplorable situation by the wrongs we suffer. And some necessary hints, with respect to a reformation.

* * * * *

"Well, gentlemen, it is not our form or mode of government, nor yet the body of our laws, that we are quarreling with, but with the malpractice of the officers of our county courts, and the abuses we suffer by those that are empowered to manage our public affairs; this is the grievance, gentlemen, that demands our serious attention. And I shall show you that most notorious and intolerable abuses have crept into the practice of the law in this county, and I doubt not into other counties also; though that does not concern us.

In the first place, there is a law which provides, that every lawyer shall take no more than fifteen shillings for his fee in the County Court. Well, gentlemen, which of you has had his business done for fifteen shillings? they exact thirty for every cause; and three, four and five Pounds for every cause attended with the least difficulty; and, in the Superior Court, they exact as fees, almost as many hundreds and laugh at us for our stupidity and tame submission to these damn'd, &c.

Again, a poor man gives his judgment bond for five Pounds; which bond is by the creditor thrown into court. The clerk of the county has to enter it on the docket, and issue execution, the work of one long minute, for which the poor man has to pay the trifling sum of forty one shillings and five pence. The clerk, in consideration of his being a poor man, takes it out in work, at eighteen pence a day. The poor man works some more than twenty-seven days to pay for this one minute's writing.

Well, the poor man reflects thus: At this rate when shall I get to labor for my family! I have a wife and a parcel of small children suffering at home, and here I have lost a whole month, I don't know for what, for my merchant or creditor, is as far from being paid as ever. However I will go home now and try and do what I can. Stay neighbor, you have not half done yet. There's a damn'd lawyer's mouth to stop yet, for you empowered him to confess that you owed this five Pounds and you have thirty shillings to pay for that or go and work nineteen days more; and then you must go and

work as long for the Sheriff for his trouble, and then you may go home and see your horses and cows sold, and all your personal estate, for one tenth of the value to pay off your merchant; and lastly, if the debt is so great that all your personal estate will not do to raise the money, then your lands the same way, to satisfy these accursed catterpillars, that will eat out the very bowels of our commonwealth, if they are not pulled down from their nests in a short time. And what need I say to urge a reformation? If these things were absolutely according to law, they are enough to make us throw off all submission to such tyrannical laws; for were such things tolerated, it would rob us of the means of living; and it were better to die in defence of our privileges, than to perish for want of the means of subsistence. But as these practices are contrary to law, it is our duty to put a stop to them before they quite ruin our country and before we become slaves to these lawless wretches, and hug our chains of bondage, and remain contented under these accumulated calamities.

I believe there are few of you who have not felt the weight of these iron fists. And I hope there are none of you but will lend a hand towards bringing about this necessary work, (viz: a reformation): And in order to bring it about effectually, we must proceed with circumspection, not fearful, but careful.

First, let us be careful to keep sober — do nothing rashly — act with deliberation.

Secondly, let us do nothing against the known established laws of our land — that we appear not as a faction endeavoring to subvert the laws, and overturn the system of our government. But let us take care to appear what we really are, free subjects by birth, endeavoring to recover our lost native rights, and to bring them down to the standard of law.

6th June A D 1765.

Nutbush, Granville County, North Carolina

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Colonel Boyde

BRUNSWICK 7 June 1765

I shall give you a commission which I trust to your friendship and address will be executed properly. It is to deliver my enclosed

letter to the Secretary at War but before you see him enquire of Sir Jeffery Amherst the character of Capt Dalrymple, as I am told he is well acquainted with his military genius and how far he was the best Adjutant in the Army. The enclosed letters I received yesterday from Mr Dalrymple, if you think they should be laid before the Secretary at War, I have not the least objection; it seems indeed a justice that they should. If a Commission be obtained for Mr Robert Howe, Messrs. Drummond upon your application will pay the fees of the commission and inclose it to me. I assure you that notwithstanding the military genius of my friend, I stand in need of a person who can with spirit support in the Assembly, the measures of the Crown, and he seems well inclined to give his aid, consistent with the interest of his constituents. I expect Mr Dalrymple every day will arrive and demand of me the possession of Fort Johnston. If he produces his Majesty's commission, I shall admit him to take charge of the Fort, and at the same time acquaint him I have wrote home to get another officer appointed to the Fort as Commander

I am &c^a

[FROM MS. RECORDS IN OFFICE OF THE SECRETARY OF STATE.]

NORTH CAROLINA—SS.

THE HON^{ble} WILLIAM TRYON ESQ^r HIS MAJESTY'S LIEUTENANT
GOVERNOR AND COMMANDER IN CHIEF IN AND OVER THE SAID
PROVINCE—

To William Nunn Esquire of Orange County Greeting

Out of the assurance I have of Your Loyalty and Integrity I do hereby Nominate, Constitute, and appoint you the said William Nunn to be Sheriff of the said County of Orange To have, hold, use Exercise, and Enjoy the said office of Sheriff of the County of Orange During my Pleasure, Together with all Powers and Authorities, Fees Privileges and Emoluments, which to the said office of Sheriff Dothe or may of Right belong or appertain.

Given under my hand and the seal of the said Province at Brunswick this Tenth day of June In the Year of Our Lord One Thousand Seven hundred and sixty five and in the Fifth Year of his Majesty's Reign.

W^m TRYON.

By his Honours Command

THO^s RUTHERFORD D: Sec^y

[P. R. O. NO. CAROLINA. B. T. VOL. 15.]

To the B^d of Trade

LINCOLN'S INN 15 June 1765.

In pursuance of Your Lordships Commands Signified to me by M^r Pownall's Letter Wherein you are Pleased to Desire my Opinion in Point of Law upon the following Acts Passed in North Carolina in November 1764. I have perused and Considered the same Viz^t

1 An Act to Regulate the Pilotage of Cape Fear River and for other purposes

2 An Act for Continuing and Amending An Act Intitled An Act directing the Method of Appointing Jurymen in all Causes Criminal and Civil

3 An Act to Amend and Continue An Act Intitled An Act for dividing this Province into five several Districts and for Establishing a Superior Court of Justice in each of the said Districts and Regulating the proceedings therein

4 An Act to Amend and Continue An Act Intitled An Act to Establish Inferior Courts of Pleas and Quarter Sessions in the Several Counties in this province.

5 An Act for Enlarging the time for Saving Lotts in the Town of Halifax and other purposes

6 An Act for Regulating Proceedings in the Court held for the Borough of Wilmington.

7 An Act for the Relief of Abraham Jones Esq^r former Sheriff of Edgecomb County.

8 An Act to Encourage and Impower William Dry to make a Publick Road through the Great Island opposite to the Borough of Wilmington.

9 An Act to Prevent Hunting for and Killing Deer in the manner therein mentioned.

10 An Act to Amend An Act therein mentioned concerning servants and Slaves.

11 An Act to increase the Salary of the Reverend Thomas Burges Minister of Edgecomb Parish in the County of Halifax

12 An Act for altering the Boundary line between the counties of Northampton and Hertford.

13 An Act to Prevent the Unreasonable Destruction of Fish in the Rivers Meeherin Peedee and Catawba

14 An Act to confirm the Vestry already chosen for the Parish of S' John in the county of Bute and to Enable the Freeholders of the Parishes within the Counties of Pasquotank Anson and Currituck to Elect Vestries.

15 An Act to continue An Act therein Mentioned

16 An Act to prevent the Exportation of Unmerchutable Commodities

17 An Act for rendering more Effectual the Laws making Lands and other Rent Estates Liable to the payment of Debts.

This last Act Recites part of the Act of Parliament of the 5th Year of King George the Second, Intituled *An Act for the more easy Recovery of Debts in his Majestys Plantations and Colonies in America*, By which Act Real Estates are made liable to the payment of Debts, and Declares the same shall be Assetts for the satisfaction thereof in Like Manner as Real Estates are by the Law of England Liable to the satisfaction of Debts due by Bond or other specialty, and Directs the manner of Proceeding for Raising and Satisfying the same; Notwithstanding which, This Act Recites, That it hath been of late doubted, Whether Sales of Estates made for Satisfaction of Debts under the Directions of the said Act of Parliament, are well and sufficiently Warranted thereby. And therefore Enacts Divers other matters and makes some Alterations, And particularly, that no Real Estate shall be Subject to the payment of any Debts or Demands, Unless the same shall be Sued for within Five years after the passing this Act, or the Death of the Person chargeable therewith, I Apprehend this Province should have followed the Directions of the said Act of Parliament, in which they are Included, as all his Majesty's Plantations and Colonies in America are, And that the same would have fully Answered the purpose intended by it, And that they should not by any Act of their own, attempt to Vary or Alter any part thereof, And am therefore of Opinion this Act should not be Confirmed.

Upon Perusal and Consideration of the before mentioned Acts, I have no other Objections thereto in point of Law than are before mentioned, and am

My Lords &c

MAT LAMB

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to the Board of Trade

BRUNSWICK 24 June 1765

The enclosed papers will give your Lordships a particular detail of an unfortunate duel fought at Brunswick the 18th of March last between Lieutenant Whitehurst and Alexander Simpson, Master, both of his Majesty's Sloop the *Viper*; the consequences of which terminated in the death of Lieutenant Whitehurst; his thigh was broke by a pistol shot, and his head wounded in several places with the said pistol, the butt end of which, and the pan, was broke by the violence of the blows, he received. Mr Simpson received a shot behind his right shoulder, the ball came out under the arm. The depositions of James Brewster and James Mooringe, both midshipmen of the *Viper*, were taken by Justice Hill in the presence of late Governor Dobbs and myself; the copy of the Coroner's inquest on Lieut. Whitehurst's body, the verdict against Mr Simpson; his commitment; proclamation for re-apprehending of him on his escape, with the proceedings taken in the Superior Court at Wilmington, will I am satisfied, convince your Lordships, and the Lords of Admiralty, that no assistance or connivance was given by the Legislature in this Province to favor his escape. Capt Phipp's letter, copy of which I send your Lordships, with my answer annexed, was in consequence of Justice Hill's proclamation of hue and cry to re-apprehend Mr Simpson. I own so uncommon a spirit of revenge appeared in Mr Simpson's conduct and treatment of Lieut. Whitehurst, that I was very solicitous of putting him on his trial; His escape was effected the night before the Governor died, at which period I was 70 miles from Brunswick, escorting Lord Adam Gordon thro' part of this Province. His Lordship is acquainted with the circumstances of this duel; Woman, I was told, sowed the first seeds of their dissensions. I have sent a copy of these papers to Lord Colvil, and acquainted him I should send duplicates of the same to the Lords of Admiralty, which I do, through your Lordships board, agreeable to the Governor's instructions

I am, my Lords &c^a

Letter from Secretary Egremont to Governor Tryon

WHITEHALL July 9th 1763

SIR,

It having appeared that the Public Revenue has been greatly diminished, and the fair Trader much prejudiced by the fraudulent Methods used to introduce into His Majesty's Dominions, (contrary to the Act of 12. Charles 2^d for encouraging and encreasing Shipping & Navigation, and that of 15 Charles 2^d for the Encouragement of Trade, and the Act of 7th and 8th of William 3^d for preventing Frauds and regulating Abuses in the Plantation Trade,) commodities of foreign Growth, in National, as well as foreign Bottoms, by means of small Vessels hovering on the Coasts, & that this iniquitous Practice has been carried on to a great heighth in America, an Act was passed the last session of Parliament intituled, *An Act for the further Improvement of His Majestys Revenue of Customs, and for the Encouragement of officers making Seizures, and for the Prevention of the clandestine Running of Goods into any part of His Majestys Dominions*, by which the former Laws, relative to this matter, are inforced & extended to the British Dominions in all parts of the World; and the King having it extreamly at heart to put an End to all iniquitous Practices of this Nature, by a due, punctual and vigorous Exertion of the Laws made for this salutary purpose, and His Majesty having been pleased to order that the most effectual Steps should be taken for obtaining that End, the Commanders of His Majestys Ships stationed in America, will, in consequence thereof, be vested for the future with the necessary & legal Powers, from the Commissioners of the Customs for carrying into Execution the several Acts of Parliament relative to the seizing and condemning any Ships that shall be found transgressing against the said Acts; I am to signify to you the King's express pleasure, that you do, as far as shall depend upon you, not only cooperate with and assist the said Commanders, in the due & legal Execution of the Powers & Instructions given them by the Commissioners of the Customs, but that you do also use your utmost Endeavours by the most assiduous & impartial Execution of the Laws enacted for this purpose, to put an effectual Stop to the clandestine Running of Goods into any Place within your Jurisdiction; And that you may be fully informed of every particular, in an Affair of this Importance, you will find enclosed herewith a Copy of the Act passed last Session of Parliament, referred to above, together with His Majesty's Order in Council, made agreeable thereto, for the

Division of the Seizures, to which I add a List of the Ships stationed in America, distinguishing such as have the Custom House Commissions, from the few which sailed before the Resolution on that Head was taken; & also a Copy of the Instructions given by the Lords of the Admiralty to the several Commanders of these Ships.

The Precautions, which, upon perusing the two last mentioned Papers, you will observe to have been taken here, & the strict Orders given on this Occasion to the Commanders of all the Ships of War in America, will sufficiently point out to you, how earnestly the King wishes that all possible means should be used to root out so iniquitous a Practice; A Practice carried on in Contravention of many express & repeated Laws, tending not only to the Diminution and Impoverishment of the Public Revenue, at a time when this Nation is labouring under a heavy Debt, incurred by the last War, for the Protection of America, but also to expose every fair Trader, to certain Detriment, & even Danger of Ruin, by his not being able to carry his Commodities to Market, on an equal Footing with those, who fraudulently evade the payment of the just Dues & Customs for the same.

It is the King's Pleasure that you do, by the first Opportunity, acknowledge the Receipt of this Letter, and that you do, from time to time, transmit to me, for His Majesty's Information, exact accounts of whatever shall happen, within your Government, in an Affair which the King considers to be of the highest Importance to the Commercial Interest of His Subjects, and the Improvement of the public Revenue: You will likewise impart to me, for the King's Approbation, such further Hints as may occur to you as proper for the Subject.

I must also inform you, that His Majesty's Resolution, to have the most implicit Obedience paid to these His Commands, is so fixed, that as, on the one hand, your particular Diligence & attention in the Performance of your Duty herein, will not fail to recommend you to His Majesty's Royal Favors, so, on the other, it is incumbent on me to acquaint you, that the King will not pass over unnoticed any Negligence or Relaxation on the Part of any Persons employed in His Service, in a matter on which His Majesty lays so much stress, & in which the fair Trade of all His Truthful Subjects, is so essentially interested.

I am with great Truth & Regard, Sir,

Your most obedient humble Servant.

EGREMONT

[N. C. LETTER BOOK S. P. G.]Letter from M^r Reid to the SecretaryNEWBERN July 10th 1765REV^d SIR:

—————You must no doubt have heard of the death of M^r Dobbs our late worthy Governor long before the receipt of this— The great loss which the Clergy have sustained by his decease will, I trust in God, be made up by Coll^a Tryon his successor At an Assembly held the latter end of last May a bill was passed for the encouragement and establishment of an Orthodox Clergy and so warmly recommended by our Lieu^t Governour, as to meet with success. By this Law,—tho' our Stipinds are not augmented, yet some of our hardships and grievances are removed. The Right of presentation is given up to the Crown which has freed us from the insolence and tyranny of Vestries and a shorter and much easier method is appointed for the recovery of our Stipinds by Law wherever it may be necessary to have recourse to such a severe and desperate remedy.

We have been favored with another Sermon from the Reverend M^r Whitefield since my last. He arrived here on his return from the Southern Provinces on Thursday evening in Passion Week and as I was very sensible that the People were very desirous to hear him I waited upon him and offered him the reading desk and Pulpit on Good Friday which he thought proper to refuse on account of his Asthma but accepted of the pulpit on Easter Sunday—Several that had been tinctured with the principles of Methodism came a great many miles to hear him, but had the mortification to hear both their principles and practice in general condemned. For his Sermon, the very digressive was clear of enthusiastic Rant and really a good one the substance of it contradictory to some of their principal Tenets and particularly severe against a vile prejudice to which they were very much addicted viz^t of making their religion a mere Cloak as pretext for their indolence and sloth. As his name had been frequently made use of here to countenance the principle and practice of an Idle dissolute and disorderly Sect, against which some part of his discourse was particularly levelled—I must say his preaching has been of

infinite service and I should be glad to see him more frequently provided he would always preach in the same strain.

The box of books which were directed to M^r MacDowd I have forwarded to Brunswick and they are now in the possession of W^m Dry Esq^{re} one of the Members of His Majesty's Council at that place.

I still continue to enjoy the inestimable Blessing of health but my hearing continues a little impaired and I am afraid will never be perfectly recovered — M^r Stewart of Bath has been very sickly of late and talks of going to Boston for a few months — His constitution seems to be a good deal shattered and I wish his intended Voyage may have the desired effect.

The Schoolhouse is now in building and I am sorry to say that the work goes on but very slowly, as indeed all Public Buildings generally do in Infant Colonies. Men Money and Material are wanting but Money chiefly — For I was obliged to take the subscriptions in Notes of hand payable six months after date and tho' most of the money has been due these six months past yet it comes in very slowly and rigorous methods in such cases would be very imprudent — However I have no reason to despond and will spare no pains to complete the undertaking — M^r Tomlinson continues a useful member of Society amongst us, and attends his school with very great diligence — He is still unprovided with an assistant but expects one daily though a little dubious whether the advantages arising from keeping an — — — Assistant will be proportionable to the trouble and expence unless he should be so happy as to meet with a person better qualified for such a place than he can reasonably expect according to his Proposal. He has thirty scholars at Twenty shillings *proc*: by the quarter which according to the present exchange amounts to sixty pounds sterling per annum, and reaps no other advantages as perquisite whatsoever that I know of — For the people in general are poor and he may think himself extremely happy in being regularly paid according to contract — In this respect he says he has no reason to complain which I am glad to hear for he is the first person I verily believe that ever taught school in Newbern for any considerable time without complaining of bad pay and very loudly, such complaints I have seen nailed up at the Church Door.

I must beg leave further to observe that all sorts of wares and merchandize are excessive dear much dearer I believe in this

province, than in any other on this continent which may in some measure be owing to our bad navigation but principally to the want of a proper staple commodity — Board is likewise very high not less than Twenty five pounds sterling per annum in any regular decent family and indeed hardly any such families to be found that will take in Boarders on any terms whatever — Mr. Tomlinson is obliged to lodge in a public house which he says is very disagreeable but as the children belonging to the family are under his Tuition — he meets with some Indulgence in his expenses and therefore submits to the inconvenience on account of his Interest — A house of his own in the honourable state of matrimony I presume would be agreeable would his circumstances permit and I know of no other method of living that can be attended with the least satisfaction to a regular and virtuous man in this place.

Clergymen you are sensible are greatly wanting in this province but no great arrangement can be given at present for any Clergy to come over upon the sole dependance of the legal stipend — The law allows £133.6.8 Proc per annum a good Glebe House and Glebe Lands (such there is at Bath and nowhere else) or in lieu thereof £20 Proclamation per annum — The total amount of which does not exceed £76.13.4 sterling Marriages and funeral sermons are the only additional advantages which will net a mere trifle after the deducting of travelling charges — But as the British Parliament has thought proper to put an entire stop to our paper Coinage or rather the juggling the paper currency and consequently our legal encouragement will grow daily better and better and in a few years I expect to enjoy a little more of the Society of my Brethren the Clergy. I have made two excursions very lately into remote Parishes, preached for several days together and until I grew hoarse and baptized upwards of two hundred Children and Adults — such journeys are very disagreeable for Churches or Chapels or tolerable accommodations are rarely to be met with — I have likewise visited Saint Johns Parish which is a very small one and contiguous to Craven County four different times during these last six months and baptized Thirty five White Children and one Black and administered the sacrament of the Lords Supper to Thirty nine Communicants at Newport Chapel —

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Governor Bull.

BRUNSWICK, 16th July 1765.

The general post has just obtained by the assiduity of some gentlemen here a communication thro' this Province, by which opportunity I send you this intelligence. I shall order the post to be carried regularly into Charlestown till I can receive information how far the Province of South Carolina are willing to contribute to an establishment of such public utility. The Legislature of this Province have made some provision to assist the Post Master General in the execution of this plan, As North Carolina takes up the letters from Suffolk in Virginia, it may possibly not be thought inconvenient for South Carolina Province to deliver and receive the mails at Wilmington; this however I leave to your consideration.

[FROM MS. RECORDS IN OFFICE OF THE SECRETARY OF STATE.]

Letter from the Attorney General to Edmond Fanning

OCANECHY July 25th 1765

DEAR SIR

I returned on the 25th cur^t from the desirable Land of Health and Plenty after a stay there of four weeks, during which time I received very considerable Benefit from bathing in the Warm Springs. I was sensible of my Imprudence in leaving them so soon as I did, since I had reason to hope that the use of them in time would have effected a Cure of my Disorder; but the great Difficulty of getting Provisions, the Solitude of the Place, the want of agreeable Company & my Interest suffering at home on account of my Absence compelled me to return, & the same motives hurrying me on my Way back through Drought, Heat, & bad Roads; my Health (and that of my Horses) was much impaired before I reached home. You no doubt will expect to hear something of the Country, Inhabitants &c., and I will gratify you, as far as I am capable of making Observations. The Country I suppose is as healthy as any under the Sun, for altho' the cold is very intense in Winter, occasioned by the N^o Side of the Mountains being covered continually with Snow

from December till the middle of March, yet the Weather I am told is not liable to those sudden Changes from Hot to Cold that we experience here & in Summer the air is the most agreeable medium between those Extremes that can be conceived, accompanied with pleasant Breazes. The Inhabitants are hospitable in their way, live in Plenty & Dirt, are stout, of great Prowess & manual Athletics, & in private conversation bold impertinent & vain. In the art of War (after the Indian manner) they are well skilled, are enterprising & fruitful in Stratagems, and when in Action as bold & intrepid as the antient Romans. The Shawanese acknowledge them their Superiors even in their own way of fighting — The Land, such as is capable of Cultivation, is fertile beyond Conception, being much better than any I ever saw before, but of that there is a very small Proportion, much the greater Part being too stony & barren. It may truly be called the Land of Mountains, for they are so numerous that when you have reached the Summit of one of them you may see thousands, of every Shape that the Imagination can suggest, seeming to vie with each other which should first raise his lofty head to touch the Clouds. The Mountains & the Vallies abound with medicinal herbs, of almost every kind and there are some curious Flowers and other curiosities well worth seeing. There are warm, hot, emetick & sweet Springs, most of which I saw; but their Virtues time must discover: however it seems to me that Nature has been wanton in bestowing her Blessings on that Country & that these Waters are the choicest of them.

I received of Willie your favour of June 3^d & am much obliged to you for the List you inclosed & the Care you took of my Letter to Beaty. Willie in my absence tendered Ray the money you sent, which he readily agreed to take rather than go to Law & you have herewith his Receipt in full. There was no Occasion for an Apology for the trouble of settling that affair, had it been ever so great, for you may on all Occasions freely command,

D^r Sir,

Your most affectionate friend

And very hum. Serv^t

ROBERT JONES JUN^r.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to the Society for the Propagation of the Gospel in Foreign parts.

BRUNSWICK 31 July 1765

As this province has received considerable advantages from the missionaries your society have sent among the inhabitants, some information of the present state of religion in this colony may not be unacceptable to you. Every sect of religion abounds here except the Roman Catholic and by the best information I can get, Presbytery and a sect who call themselves New Lights, (not of the flock of Mr Whitefield) but Superior Lights from New England, appear in the front. These new Lights live chiefly in the maritime counties, the Presbyterians are settled mostly in the back or westward counties, tho' the Church of England I reckon at present to have the majority of all other sects; and when a sufficient number of clergy as exemplary in their lives, as orthodox in their doctrine; can persuade themselves to come into this Country, I doubt not but the larger number of every sect would come over to the established religion. I can hear of but five clergymen at present in this Province, four of whom have missions from the Society Vid^e

The Rev^d Mr Reed of Newbern in Craven County
Mr Earl near Edenton in Chowan County
Mr Stewart of Bath in Beaufort County
Mr Moir, Itinerant Missionary

I had the opportunity in a tour I made through part of the Province to see the above gentlemen, and must observe, I think the three first are well settled and established, and I believe them regular in the discharge of their duty. I can speak more particularly of Mr Reed, as I saw much of him at the General Assembly held at New Bern. I really esteem him a man of great worth. As this country is now settled more than 200 miles to the westward of Mr Moirs residence, I do not think the province receives any benefit from him as an itinerant missionary; for under that general licence of preaching every where, he seldom preaches any where; this report I have from some gentlemen in his neighbourhood near the Town of Halifax. I do not represent him as an immoral man, but should think it advisable, he might be fixed to some parish agree-

able to the enclosed Act of Assembly the purport of which is, the great inducement of my troubling the Society with this letter. Many efforts have been made to obtain a good clergy act in this province, but as every trial have been as often clogged with objections incompatible with the rights of the Crown and the ecclesiastical jurisdiction, they have proved fruitless. This Act however I flatter myself is free from every material objection, and therefore beg leave to recommend to the consideration of the Society the extreme advantage that will accrue to his Majesty's subjects by a happy establishment of religion here. As I have pledged my endeavours to get decent clergymen to serve in this province, I earnestly hope for a further encouragement from the Society by the increase of the missionaries, if only for a term of years till gentlemen coming over might reimburse themselves the expense of their voyage and first settling here; which is a charge that must be felt by every one, who has only his merit to ballance that account. There is at present 32 parishes in the province, and as five are already provided, twenty seven clergymen are only required, a number so small, that it will be scarce sufficient to perform the marriage and burial services, offices at present performed without the greatest order or decency, by the Magistrates of the Peace, Governor Dobbs was interred by a gentleman of this order, no clergyman living within one hundred miles of Brunswick. The state of the churches in this province beginning at the southward are as follows Vid^t

At Brunswick, only outside walls built and roofed

Wilmington, walls only.

Newbern, in good repair.

Bath, wanting considerable repairs.

Edenton, wanting as much.

As no British colony on this continent stands in more, or so much need of regular moral clergymen, as this does, I hope the Society will give all possible assistance to contribute to the happy effects of the present orthodox bill; should I be so happy to meet with a favourable regard to my recommendations, I shall on a proper opportunity communicate to the Society the future state and progress of religion in this colony. Chapels are established in every county which is served by a Reader where no clergy can be procured, they have two, three, or four more or less, in each county according to the number of the inhabitants, or extent of the county. If the Society would send for my distribution or the Governor's for

the time being as many well-bound bibles and prayer-books for the ministers desks as there are parishes, it would have a better effect than a ship load of small books recommending the duty of a christian. The ignorant would hear their duty delivered out of the former, when they could not instruct themselves in the latter, This incapacity prevails from a want of schools in the province which consideration brings me lastly to solicit the Society's bounty, and encouragement to Mr. Tomlinson, at present seated at Newbern. His memorial I enclose at his request certified by many gentlemen some of whom I am acquainted with, I had a long conversation with Mr Tomlinson and from the sense and decency of his behaviour, and the general good character he maintains, obliges me warmly to solicit the society in his behalf, He is the only person of repute of that profession in the country; He was invited to America by a brother who has a plantation near Newbern. I really think him deserving the favourable attention of the Society and as such I recommend him. I cannot conclude this letter without acquainting the Society the Rev^d Mr Whitefield preached a sermon at Wilmington in March last which would have done him honour had he delivered it at St James's allowing some little alteration of circumstances between a discourse adapted for the Royal Chapel and the Court House at Wilmington. As considerable sums of money have been raised by subscription for furnishing the churches of Wilmington and Brunswick I expect they will both be completed in less than twelve months

I am gentlemen with esteem &c^a

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to the Board of Trade

BRUNSWICK 15th August 1765

In my letter of the first of April, I had the honour to acquaint your Lordships of the death of Governor Dobbs and of my intentions to propose to his Majesty's Council, that the General Assembly of this province might meet at Newbern.

On the 3^d April I sat in Council with the following gentlemen,
Vid^t

Mr Murray President

Mr Hasell
Mr D^e Rossett
Mr Rutherford }

Members

{ Mr Dry
{ Mr Heron

when I had the satisfaction to receive their unanimous opinion that a Proclamation should issue to summon the General Assembly to meet the 2^d of May following at Newbern.

The Speaker of the Assembly made a House with twenty five members the 3^d of May: the Journals of the Council and Assembly inclosed, with the Acts, will give your Lordships information of the proceedings of the General Assembly.

In my speech I proposed that the salaries for the Clergy should be paid by the public Treasurers, as that mode of payment I judged would have been a stronger inducement for young clergy-men of merit to come over to the colony; the public faith of the province being more immediately pledged for the payment of the salaries, than when in the Vestry. However as the present law has provided a very summary way to obtain the salary, I am of opinion, the payment by the Vestry, is no ways objectionable, I was of the opinion too, that the mode of payment by the Treasurers from a general fund to be more equal than a tax raised by each parish, for their respective clergy, considering the great inequality in the number of inhabitants, in the different counties, or parishes; but this reasoning was not attended to, as the majority in the Assembly were the representatives of the lower counties

The certificate to be obtained from the Bishop of London, represented as requisite before presentation, is omitted in the Act, an omission that appears immaterial, unless his Lordship should consider it as a necessary ecclesiastical jurisdiction, and in this case, an instruction to the Governor might remedy that omission, Upon the whole I am inclined to believe your Lordships will find this Act as unexceptionably framed as any Clergy Act in any of his Majesty's colonies: If your Lordships should recommend it to his Majesty either to be confirmed, or remain in force till some trial may be had of its efficacy, the enclosed packet, enforced with your Lordships recommendation, I should wish might be sent to the Society for the Propagation of the Gospel, When I receive your Lordships opinion on this Bill I will write to those of my private correspondence from

whom I expect assistance in sending, not the sweepings of the Universities over, but some clergy of character. I could wish my Lords to be informed of the manner and forms of induction to such clergy, as arrive properly qualified.

I must next observe that as no steps had been taken relative to the extract of your Lordships Journal of the 13th December 1763, which I mentioned in my letter of the 15th October 1764, to have delivered to the late Governor, and who could not give me the least account what were the objections referred to in it: I laid it the 11th of May before the House of Assembly; the result of which your Lordships will see by their Journals the 13th of the same month; when your Lordships honour me with the objections referred to, and they are removed by the Assembly: I see no obstacle to prevent his Majesty's allowing the Assembly's request for the application of the £18000 proclamation money, as directed by the 12th Sec of the Act passed in 1754 for granting to his Majesty the sum of forty thousand pounds in public bills of credit &c^a I believe it will appear expedient to your Lordships that the £18000 may be applied as part of it is to purchase glebes and erect buildings for the ministers

As to the consideration recommended by the Earl of Halifax, of the General Post to be carried thro' this extensive continent; the sum allowed by Resolve of this session, may possibly be sufficient, to help to convey through this province, as tolerable good boats are established over all the ferries on the sea board route; and the roads good for horsemen.

An Act for facilitating the navigation of Port Bath, Port Roanoke and port Beaufort, I rejected; for that it contained a clause which directed a tax to answer the expence of clearing the navigation, to be laid on yessels entering the said ports, exempting such as wholly belonged to the inhabitants of this province.

The following is the clause abstracted from the Bill, "Be it enacted &c^a that the following taxes should be paid by the master of each vessel, that shall enter into any of the said ports, except such vessels as are wholly owned by the inhabitants of this province, to the collectors of the respective ports, that is to say, for every vessel of fifty tons, or under, six shillings, for every vessel above fifty tons and under one hundred tons, twelve shillings, for every vessel above one hundred tons, twenty shillings."

I construed this exception to be contrary to the 32^d Article of the late Governors instructions

Your Lordships will observe on the last day of this Session the Council sent the following message to the Assembly, Vid^e

MR SPEAKER &c

This House desire all letters and papers received from the Agent in England since the last Session of Assembly, be sent for their perusal,

which message the Council informed me was not complied with. It seems the Committee of Correspondence with the Agent, is composed wholly of members of the Assembly: This is in express opposition to the sentiments communicated from your Lordships Board, in a letter to Governor Dobbs, bearing date the 1st of August 1759, Viz^t

“The Committee of Correspondence ought to have consisted of some members of the Council, and not to have been entirely composed of the members of the House of Representatives.” If at the next Session of Assembly His Majesty’s Council are not admitted to have some members in the Committee of correspondence, and also to have at all times, the same freedom of inspection into the Correspondence to, and from the Agent of the province, as the Assembly claim, I shall then submit it to your Lordships, if any representation or application presented by the Agent, coming solely from the Assembly, should not remain under a suspension, whether laid before his Majesty in Council or your Lordships Boards till the Council could be informed of the nature of such representation or application, and their opinion reported thereon.

The two Houses not coming to any agreement in the appointment of a Treasurer for the Southern District, vacated by the death of Mr Starkey, that the province might receive no detriment, I have commissioned Mr Samuel Swann the Treasurer during my pleasure, or until the end of the next session of Assembly; when the Legislature will either confirm my appointment, or make their nomination of a Treasurer. The hurry the Representatives were in to get to their plantations, was, I guess, the reason that they did not enter into an examination of their public funds; I shall however again recommend the necessity of such an enquiry. The Assembly stands prorogued to the 27th November next, to be then held at Newbern. In another packet I shall send the drafts of the line run between the

Kings and Lord Granville's district, and also the lines that was run at the time of my arrival in this Province in October last between the two Carolinas.

I am my Lords, &c^a

[P. R. O. AM: & W. IND: VOL. 269.]

John Stewart (Indian Agent) to John Pownall

CHARLES TOWN 24 August 1765.

SIR

* * * * *

To the Northward the Province of North Carolina granted Lands as far back as the Mountains and deprived the Indians of the Lower Cherokee Towns of the most valuable part of their hunting Grounds.

In May last some Cherokee Indians being among the Settlements of Virginia with friendly Intentions were set upon by a party of the Inhabitants and five of them were killed and some of those who escaped were wounded of which they died after their return to their Towns.

These Circumstances crowding upon the back of each other so enraged and alarmed the Indians that all the Address of M^r Cameron and Ensign Price commanding at Fort Prince George was hardly sufficient to hinder them from taking immediate Revenge on the White People who lived amongst them and M^r Cameron quotes it as a most lucky circumstance that at the time when they heard of the murder in Virginia there was no Rum in the Nation I must beg leave to refer you to Copies of Letters from Major Lewis M^r Cameron and Ensign Price for more particular accounts of this matter and the situation of affairs in that Nation.

Lieutenant Governor Bull saw the necessity of satisfying the Indians with respect to their Lands and sent them a Message proposing to run a line that would cover the new Settlements but the Indians would not agree to his Proposal and excused themselves from taking any Steps in that matter till my return. I send inclosed a copy of their answer to the Lieutenant Governor.

The fixing and ascertaining a distinct Boundary between the Indians and all the Provinces is essential to the Tranquility of this

district; it is a Point which greatly concerns them and to which they are extremely attentive.

The Murder of their People by the back Settlers of Virginia has not so bad an Effect and the consequences are not so much to be apprehended as of Encroachments on their Lands. The Indians can comprehend that the wicked actions of a few Individuals ought not to be considered as a Proof of the Intentions of the whole Community and will be well satisfied to have the Perpetrators brought to Justice But Grants of Land claimed by them they know to be the Acts of Whole Provinces which alarms them and they consider as incontestible Proofs of our bad Intentions and want of Faith.

It is not the Cherokees alone who think themselves injured; the Jealousy of all the Nations is awakened and the bad impressions left on their minds by the French confirmed by these Encroachments.

The Mortar has sent me word that I talk with two Tongues for whilst I was making things straight in one part of the World our People were killing the Red Men and stealing their Lands in another and that he could put no confidence in People who act in such a manner.

The Little Carpenter went to Virginia to enquire about and ask satisfaction for the murder of his Friends I am as yet not acquainted with the result of his Embassy.

The Settlement of these differences with the Cherokees and the establishing a fixed Boundary as well as making such arrangements as may be judged convenient by their Lordships may render it necessary to have a meeting with the Chiefs relative to which I hope to be honoured with their Lordships commands.

The Trade to the Cherokee Country is in the same state and confusion or worse than in the other nations. The Governors of Georgia and this Province do not choose to bind the Traders to the Observation of the Regulations drawn up and agreed to in West Florida. It is true that those licenced in Georgia are laid under several good Regulations but they are not by them subjected to obey or pay the least attention to any Orders or Instructions from the Superintendent his Deputies or any other person under him.

The Traders from this Province are obliged by Bond to observe such Regulations as His Majesty shall at any time think fit by himself or his Commissaries to be appointed for that purpose to direct

and appoint for the Benefit of said Trade agreeable to his Majesty's Proclamation of 7th October 1763. but they are in no other respect limited.

As the Disorders occasioned by the free and unrestrained Introduction of Rum from South Carolina are so much complained of by the Officer commanding at Fort Prince George and Mr Cameron I thought it my Duty to represent that matter to Mr Bull that he might lay his Traders under such restraint as would remedy that Evil which I did by letter Copy of which with Mr Bull's answer I now send. I also send a Report of People trading in that Nation.

I have made repeated applications to Mr Bull to put some stop to the importation of Rum to the Cherokee Nation to which however no attention has been paid and as the Traders are not obliged to obey any orders I cannot remedy the evil nor prevent the bad consequences that may be expected from it. The Traders from this Province and Georgia to the Creek Choctaw and Chickasaw Nations are upon the same Footing and will render abortive every measure pursued by Governor Johnstone and me to regulate matters in those Nations.

If their Lordships judge it for the good of His Majesty's service that any attention be paid to what I may propose to the respective Governors with regard to Indian affairs till such time as they are thoroughly settled at home may I hope that they will be pleased to signify the same and how far the Traders are in any respect to be subjected by their Licence to any orders and directions.

I cannot inform you particularly of Mr Bull's Negotiations with the Cherokee Indians relative to a Boundary Line as they have all been carried on entirely independent of me, my having any concern in that matter being thought quite unnecessary by the Lieutenant Governor.

I humbly offer it as my opinion that it cannot be done properly but with the consent of all the nation any Grant from a Part will be productive of perpetual grumbling and disputes and I humbly submit to their Lordships if such matters should not be transacted with the Participation of their Superintendent or some person acting for him as he will be applied to by the Indians in case of any dispute and therefore it seems proper that he should be acquainted with the circumstances of such Transactions.

I beg leave to observe that the far Extension of our Boundaries backwards by approaching too near the Indian Nations will expose

us to perpetual Broils. The Inhabitants of those back Countries are in general the lowest and worst part of the People and as they and the Indians live in perpetual Jealousy and dread of each other so their rooted hatred for each other is reciprocal.

The Laws in the American Provinces are not strong enough to operate with necessary Vigor amongst people living so remote and who require to have the hand of Justice perpetually stretched over them and I submit to their Lordships how far such people so situated answer the Tenet of Colonists. Their distance from commerce lays them under the necessity of making Cloths and other Stuffs for themselves and the Productions of the back Countries especially more Northerly are similar to those of the Mother Country.

This is what appears to me to be the present state of Indian Affairs to give their Lordships an Idea of which it became necessary for me to relate many circumstances which has greatly protracted this Letter I shall be extremely happy if the Intelligence it contains can be of the least Utility

I must observe to their Lordships that though the Expences incurred in treating with the Indians in West Florida were high yet they were greatly augmented by the necessary Steps pursued to facilitate Major Farmer's Expedition as well as the Dearness of Provisions and of Goods necessary for Presents.

The Entertainment of Head Men and Principal Warriors fell very hard on Governor Johnstone and me we had never less than forty or fifty Indians dining in the Room and at Table with each of us who eat and drank as we did; this Respect the Medal Chiefs and Principal Indians claim as due to their Rank and which they were accustomed to by the French upon such Occasions which with other extraordinary tho' necessary Expences far surpassed what my Appointments could bear which I submit to their Lordships consideration.

If it should be judged advisable to distribute a certain proportion of Presents annually to the Nations in this Department I think the sum of Five Thousand Pounds Sterling laid out in such goods and the same Proportion as contained in the inclosed calculation to be bought in England of the best Hands will fully answer every purpose and then the particular presents sent to the respective Governors may be saved with whom the Superintendent would lodge a

sufficient quantity for visiting Parties out of the above quantity the Best to be regularly distributed to each nation at annual Meetings.

Should the Governors of South and North Carolina and Virginia find it necessary to meet any of the Nations in this District upon Business merely Provincial their respective Provinces are well able to defray the Expences of such Meetings, the three Southern Provinces especially the two Floridas will require the help of the Mother Country for many years.

The Measures pursued by me in calling the Indians together were principally pointed out to me by General Gage's Orders as well as evident necessity.

Through the whole of my Transactions as far as circumstances would permit I had the strictest attention to Economy and in every step I was actuated by Zeal for his Majesty's service which will I hope intitle me to their Lordship's protection

On the 10th Curr^t I am to embark for St Augustine where I am to assist Governor Grant in setting a Boundary between the Province of East Florida and the Lands reserved by Creeks in Obedience to his Majesty's Commands.

I have the Honour to be with the greatest Respect

Sir

Your most obedient
most humble servant

JOHN STUART.

Fort Prince

[P. R. O. NO. CAROLINA. B. T. VOL. 14.]

Letter from the Commissioner of Dock Yard to Governor Tryon

PORTSMOUTH 27th Aug^t 1765.

The Neglect of Mr Heron's Master calling for my Letter as he punctually promised, lost me the opportunity, of punctually owning the receipt of your Obliging Letter, with the Plank forwarded in his Vessel

I laid both before the Navy Board in hopes of Seconding your offer in such a manner, as might obtain an Order for the Planks quality to be examined, and how far it might be made use of for the Service of the Navy, and have procured an Order to Survey and

Report them, which has been done, and by the Officers of the Yards return, they are Reported to be 49 foot Long, Nine Inches Broad clear of the Sap, and are of Yellower complexion than those brought from Prussia, not of so clear a Colour, but as close a Con-texture; but whether they are more or less durable, time must determine: We have caused Two Pieces of equal Dimensions to be weighed, and could not perceive any Essential difference—they appear fitting to be work'd for Ships Decks—since this Survey and Opinion has been sent to the Board, I have heard nothing further from them, but imagine some experiment will be made in the Service they are proposed for.

Give me leave to Congratulate your promotion to the Government of N^o Carolina and to assure you, I am very unfeignedly &c^a
R HUGHES.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 23.]

Letter from the Board of Trade to Governor Tryon
SIR

The inclosed Copy of a Letter to this Board from the Earl of Halifax, late one of His Majesty's principal Secretaries of State, contains His Majesty's Orders and Directions in request to a Demand of £1000 Carolina Currency, made by M^r Samuel Wyley for surveying the Catawbow Lands, in consequence of what was stipulated with that Nation at the Congress of Augusta in 1763; and as it appears to us to be just and reasonable, that the Expence of this necessary Service should be equally borne by the Provinces of North[?] Carolina, which alone are immediately interested in the Case We do in pursuance of His Majesty's Pleasure signified to us, desire that you will cause a Moiety of whatever Sums the Expence of that Service shall reasonably amount to, to be immediately defrayed out of such Provincial Funds, as are appropriated and applicable to contingent Services of Government in general, or, if there are no such Funds, that you will recommend it in His Majesty's name to the General Assembly to make a proper Provision for the payment of such Moiety, out of the first Supplies which shall be granted for the support of Government.

We are Sir &c
DARTMOUTH
J DYSON
W^m FITZHERBERT.

[FROM MS. RECORDS IN OFFICE OF THE SECRETARY OF STATE.]

NORTH CAROLINA }
Anson County. }

Know all Men by these Presents, that we Samuel Spencer, Anthony Hutchins, Charles Medlock and Samuel Snead, all of Anson County in the Province of North Carolina, Gentlemen, are held and firmly bound unto the Justices of the Inferior Court of Pleas and Quarter Sessions of and for the said County of Anson, in the Sum of One Thousand Pounds Proclamation Money, to be paid to the said Justices and their Successors; and for which Payment will and truly be made, we bind ourselves, and each of us, our, and each of our Executors and Administrators, jointly and severally, firmly by these Presents.—Sealed with our seals and dated this Twenty Third Day of October in the Year of our Lord, One Thousand, Seven Hundred and Sixty Five.

The Condition of the above Obligation is such, that whereas the above bounden Samuel Spencer hath lately obtained from the Honorable Benjamin Heron Esquire his Majesty's Clerk of the Pleas of the said Province of North Carolina, a Commission bearing Date the Sixteenth Day of October in the said Year of our Lord, 1765. thereby constituting and appointing him the said Samuel Spencer Deputy Clerk of the Pleas for the said County of Anson, during the Good Behaviour of him the said Samuel Spencer, according to the Act of Assembly in that Case made and provided:—Now, if the said Samuel Spencer during his Continuance in the said Office of Deputy Clerk of the Pleas for the said County of Anson, shall safely keep the Records of the said Court, that shall come into his Possession by Virtue of his said Office, and shall faithfully discharge his Duty in his said Office, then the above Obligation shall be void and of no Effect; but otherwise shall be and remain in full Force and Virtue.

Sealed and delivered
in the Presence of
THOMAS FROHOCK,
FORIDHAN LEWELLING

SAM^r SPENCER
ANTH HUTCHINS
CHA^s MEDLOCK
SAM^r SNEAD

[N. C. LETTER BOOK S. P. G.]

Letter from M^r Earl to the Secretary. Extract.

EDENTON 20th October 1765

REVEREND SIR

N^o Carolina

————— Since my letter to you of April last I have baptized in the Parish 37 Children and administered the sacrament of the Lords Supper to 30 Communicants I have preached this Summer and Autumn to three different Congregations in Berkley Parish who are destitute of a minister of the Gospel and likewise to one Congregation in Society Parish in both which parishes I baptized 85 children

[B. P. R. O. A. & W. 1 VOL. 269.]

Copy of a Talk from the Headmen and Warriors of the Cherokee Nation dated Fort Prince George 20th October 1765.

At a meeting held the 20th October 1765. It was agreed by the Prince of Chote, head beloved man of the Nation, Jud's Friend, and all the Warriors and head beloved men of the Lower Towns, that the Line should be run at Dewis's Corner, and the inclosed is a copy of the Cession; Two Belts and Strings were given from Chote and Keowee the beloved, and many other principal Towns with the strongest assurances of the Pacifick Disposition of the Nation, besides the following which is in substance as it was delivered by the Prince and Jud's Friend, in the name of the whole Nation.

That as the Lower Towns had already consented to the Lines being run as above, there should be no objections made on that head hereafter, that what they now agreed to, should be final, but that they hoped the marking the same would be deferr'd till the Spring, as their Hunting season was come on and it would be inconvenient and a loss to them to attend before.

That as this Cession is an instance of their duty to King George and their love for their Brothers, the white people, in as much as they have given part of their Hunting grounds away, because they would not put any of their poorer Brothers to the inconveniency of moving; they hoped it would recommend them to the particular

favour of their Brother Lieutenant Governor Bull, and their Father Captain Stuart, whom they desired would inform the King their great Father of the same, and put him in mind of his children. That they further hoped this wou'd recommend them to the Country People and be a means of treating them with confidence and civility; That on their parts they should look on this as a lasting bright chain, which they should always hold one end of fast, resting in the confidence that the Line would always be remembered by their Brothers, with the same justice to their children, as to them That they expect the Line on the North Carolina side shall commence where that of the South Carolina side terminates, and be run a North Course into the Mountains, whence a straight Line to the Lead Mines of Colonel Cheswell should fix the Boundary on the Virginia side, That the late murder of some of their friends in Virginia was still fresh in their minds, but alleviated by the promises of satisfaction they have received, if the persons can be taken, and if not, as they are convinced what happened was not thro' a bad disposition of all their Brothers the English, they will not insist further, and lastly, that their old and constant enemies had now found the way to the Lower Towns that they begged of their Brothers a small quantity of ammunition to be employed against them.

After the above it seems some discontent prevailed amongst the young men who had not been sufficiently apprized of the Line's place, as I conjecture, and the 22^d was appointed for another meeting. Jud's Friend after a private consultation with the Warriors spoke as follows.

My Eldest Brothers, Ensign Price and Mr Cameron, I was at Augusta, as were many of my Nation, we have the Talks in our remembrance, that were delivered there; we have likewise the most dutiful affection for our great Father the King and hope for his most gracious notice and protection, being but a handful of his children in comparison of the many he has. The Land we gave the other day we wish may be fruitfull of grain; we gave with it to our Brothers the game that is upon it the grass for their cattle to feed upon, the running waters and springs that are upon it for their drinking, the wood for their burning; and hereafter shall never make any claims to anything belonging to it. Of our Talk write to the Warriors of the water side, that they may think favorably of us. I desire all our Brothers to remember all our dependence for the

necessaries of Life is upon Hunting that we shall hunt no where but on our own Land, and that we expect to reserve it for ourselves unfrequented by white Hunters.

My Brothers of the Lower Towns hear me; now God is the maker of both white and red People, and we are all his children. The Land he gave to us all, and we have divided it, our Brothers have it in writing, and we in our minds, there is no difference between them and us, we are both alike, the blood flows in their veins as in ours and we have essentially the same passions and desires, therefore let us hear of no discontents about the Line, it was agreed upon and given by you to the Warriors of the Fort before the Prince, and I came down, and there is yet enough reserved for you; We have settled all matters very satisfactory with our Brothers here for you, and they take care of you, therefore build good Houses and think of living amicably and peaceably, nor say hereafter you know not where the Line is to be run. I tell you all it is at the Yellow Water & is to be done in the Spring, so don't shame your Warriors any more with being told that you went below it, stole horses, burnt the woods and committed other disorders; but when you buy a horse or a gun take care that you get a Bill of sale with it. You see the pains our Eld-est Brothers the warriors here are at to take rogues and send them from among us, to secure to us our property. Will you not then be honest? or what course are your Warriors to take with you? for we are tired travelling backwards and forwards to make up matters for you.

We had promises of a good Trade from His late Majesty King George and these have been repeated by His present Majesty whom I have seen; the Nation is accordingly well supplied, but as your Ground is now somewhat abridged and the game grow scarcer every year, I shall on your behalf and do now request of our two Brothers here to write to our Brothers below to settle rates upon the goods, lower than what they are sold for at present; and, as our minds are all become straight, I entreat we may have Rum brought among us again, the Warriors will be answerable that no bad consequences shall arise from it, nor do we desire it in the abundance we had it formerly; but the Trader to be restricted to bring no more than six Kegs unmixed to this Town and to oblige Him to sell them for Provision — Kind and not for skins.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

COUNCIL JOURNALS.

At a Council held at Brunswick 24th October 1765.

Present

His Honour the Lieut Governor

| | | | | |
|------------|---|-------------------|---------------|------------|
| The Honble | { | James Hasell | John Sampson | } Esquires |
| | | John Rutherford | and | |
| | | Lewis H. DeRosset | Robert Palmer | |

His Honour the Lieut Governor being very unwell, Desired of Mr President Hasell to sign his Name to the Warrants in the Presence of the Council.

Read and passed Warrants from N^o 1 to N^o 506 inclusive, Except N^o 50 and 51 not then made out, and N^o 4, 5, 134, 151, 152, 153 & 264, Caveated as per Entry Book.

Ordered that a Proclamation issue to Prorogue the General Assembly to the 12th day of March next (in the following Words) Viz

NORTH CAROLINA

By the Honourable William Tryon Esq^r His Majestys Lieut. Governor and Commander in Chief, in and over the said Province
A Proclamation,

Whereas the General Assembly of this Province stands Prorogued to the Twenty Seventh day of November next, and there appears no immediate necessity for their meeting at that time; I have therefore thought fit by and with the advice and consent of His Majesty's Council further to Prorogue the said Assembly to the Twelfth day of March next. And the said Assembly is accordingly thereby prorogued to the said twelfth day of March next. Then to meet at New Bern.

Given under my hand, and the Seal of the said Province at Brunswick, this twenty fifth day of October, In the Year 1765, And in the Sixth Year of His Majestys Reign

W^m TRYON.

By His Honours Command }
Thos Rutherford D. Sec. }

God save the King.

At a Council held at Brunswick 26th October 1765.

Present

His Honour the Lieut Governor.

The Honble { James Hasell
John Rutherford and } Esquires
Robert Palmer

Read and passed sundry Warrants Viz^t N^o 51, 771, 775 & 806 to 872. Inclusive.

Read the Petitions of James McDaniel, Rob^t Johnston, Robert Kerr and Samuel Stuckey for Resurveys of Land which were Granted.

At a Council held at Brunswick 28th October 1765.

Present

His Honour the Lieut Governor.

The Honble { James Hasell William Dry
John Rutherford and } Esq^{rs}
Charles Berry Robert Palmer

Maurice Moore Esq^r Associate Justice of the Superior Court for the District of Salisbury having reported to His Honour the Lieut Governor in Council, that one Cochran was convicted before him at the last Superior Court held for the District of Salisbury for Horse Stealing, and having represented the said Cochran as an object of Mercy he appearing upon Trial to have Laboured under some Circumstances of Insanity.

It is the opinion of this Council the said Cochran is a fit object of his Majesty's Mercy.

Read and passed sundry Patents for Land from N^o 1 to N^o 82 inclusive.

At a Council held at Brunswick 30th October 1765

Present

His Honour the Lieut Governor.

The Honble { James Hasell
John Rutherford and } Esq^{rs}
Robert Palmer

Read the Petition of Thomas Rutherford together with the surveyor Generals Returns of the Resurveys by his Deputy Robert Edwards of three Patents of the said Thomas Rutherford agreeable to his late Excellency Gov^r Dobbs Order in Council the 16th Novem-

ber 1764. Whereby it appears that his said Three patents bearing date 12 December 1757 Viz. One in the name of John Rutherford for 400 Acres, one other in the said Thomas Rutherfords name for 160 Acres, and another in the same name for 300 Acres, all of the same Date and recorded in the Secretarys Office in Book N^o 11. Page 146 all of which said Lands interfere with other prior patents, and therefore Petitioned to be struck off the rent Roll — Ordered that the said patents be declared void, and so marked upon the Records, and the said Thomas Rutherford to be struck off the Rent Roll for the said three tracts of Land.

Read the Petitions of John Russell, John West, James Williams, Micajah Frazer, Thomas Cunningham, James Frazer, Richard Blackledge, Francis Jackson and Daniel White for Resurvey Warrants which were Granted.

Read and passed Sundry Patents for Land from N^o 83 to N^o 419 inclusive, Except N^o 277, 287 & 288, which were Caveated, and N^o 134 and 313 postponed.

Read and passed Warrants from N^o 869 to 900 Inclusive.

[FROM THE COURT RECORDS OF ROWAN COUNTY.]

31st OCTOBER 1765

N^o 65 Francis Lock Esq^{re} Late Sheriff of Rowan County

To Sam^l Smith — Dr

Sep^r y^e 7th To Iron and making Two pair Large Bolts for
the legs of Criminals at Your Request — £0 10 0
To Ditt^o 2 Pair of Strong Handcuffs — 12

£1 10 0

N^o CAROLINA }
Rowan County } This day Samuel Smith personally appeared
before me the Subscriber and Made Oath on the
Holy Evangelist that the Above Acc^t is Just and
True and that he has not Rec^d any Satisfaction for
the Same Sworn and Signed to before me this 31st
day of October 1765

SAMUEL SMITH.

JN^o BRANDON

[REPRINTED FROM MARSHALL'S LIFE OF WASHINGTON, VOL. II, NOTE. NO. V.]

RESOLUTIONS OF THE NEW YORK CONGRESS.

October 1765.

"The Members of this Congress, sincerely devoted, with the warmest sentiments of affection and duty, to his Majestys person and government, inviolably attached to the present happy establishment of the protestant succession, and with minds deeply impressed by a sense of the present and impending misfortunes of the British Colonies on this Continent; having considered, as maturely as time will permit, the circumstances of the said Colonies, esteem it our indispensable duty to make the following declarations of our humble opinion, respecting the most essential rights and liberties of the Colonists, and of the grievances under which they labour, by reason of several late Acts of Parliament.

I. That his Majesty's subjects in these Colonies, owe the same allegiance to the Crown of Great Britain, that is owing from his subjects born within the realm, and all due subordination to that august body the parliament of Great Britain.

II. That his Majesty's liege subjects in these Colonies are entitled to all the inherent rights and liberties of his natural born subjects, within the kingdom of Great Britain.

III. That it is inseparably essential to the freedom of a people, and the undoubted right of Englishmen, that no taxes be imposed on them, but with their own Consent, given personally, or by their representatives.

IV. That the people of these Colonies are not, and, from their local circumstances, cannot be represented in the house of Commons of Great Britain.

V. That the only representatives of these Colonies are persons chosen therein by themselves, and that no taxes ever have been, or can be constitutionally imposed upon them, but by their respective legislatures.

VI. That all supplies to the Crown being free gifts from the people, it is unreasonable, and inconsistent with the principles and spirit of the British Constitution, for the people of Great Britain to grant to his Majesty the property of the Colonists.

VII. That trial by jury is the inherent and invaluable right of every British subject in these Colonies.

VIII. That the late Act of parliament entitled 'An Act for granting and applying certain stamp duties, and other duties, in the British Colonies and Plantations in America' &c. by imposing taxes on the inhabitants of these Colonies; and the said Act, and several other Acts by extending the jurisdiction of the Courts of admiralty beyond its ancient limits, have a manifest tendency to subvert the rights and liberties of the Colonists.

IX. That the duties imposed by several late Acts of parliament from the peculiar circumstances of these Colonies, will be extremely burdensome and grievous; and from the scarcity of specie, the payment of them absolutely impracticable.

X. That as the profits of the trade of these Colonies ultimately center in Great Britain, to pay for the manufactures which they are obliged to take from thence, they eventually contribute very largely to all supplies granted to the Crown.

XI. That the restrictions imposed by several late Acts of parliament on the trade of these Colonies, will render them unable to purchase the manufactures of Great Britain.

XII. That the increase, prosperity, and happiness of these Colonies depend on the full and free enjoyment of their rights and liberties, and an intercourse with Great Britain mutually affectionate and advantageous.

XIII. That it is the right of the British subjects in these Colonies to petition the King, or either house of parliament.

XIV. That it is the indispensable duty of these Colonies, to the best of sovereigns, to the mother country, and to themselves, to endeavor, by a loyal and dutiful address to his Majesty, and humble application to both houses of parliament, to procure the repeal of the Act for granting and applying certain stamp duties, of all clauses of any other Acts of Parliament, whereby the jurisdiction of the admiralty is extended as aforesaid, and of the other late Acts for the restriction of American Commerce."

[B. P. R. O. AMERICA & W. INDIES. VOL. 214.]

BRUNSWICK N C 5 NOV 1765

SIR, [GEN'L CONWAY SECT'Y OF STATE]

I had the Honour to receive the Second of this Month, your Letter Dated the 12th of July, to inform me His Majesty, had been

graciously pleased to Deliver to you, the Seals for the Southern Department.

His Majesty's Commands, transmitted to me, through you, Sir, shall be Obeyed with all the Dilligence, & Firmness in my Power.

I had the Happiness to receive a few Days before the Arrival of your Letter, His Majesty's, Commission, appointing me Governor of this Province, which Commission I shall open, as soon as my present, bad State of Health will permit me, An Illness, that has Visited me ever since the 3^d of August last. It is a Compound of every sort of Fever, called by the Inhabitants the Seasoning of this Climate.

I have received no Authentick Accounts of the Act of Parliament appointing a Stamp Duty; nor are any Stamp Officers, or the Stamps arrived here as yet..

The Inclosed I received from a Merchant in Charles-Town.

I am Sir &c^a

W^m TRYON

[REPRINTED FROM NORTH CAROLINA GAZETTE, 2th NOVEMBER, 1765.]

CONTINUATION OF

(November 20.)

THE

(Numb. 58.)

NORTH-CAROLINA GAZETTE.

WILMINGTON, November 20.

On Saturday the 19th of last Month, about Seven of the Clock in the Evening, near Five Hundred People assembled together in this Town, and exhibited the Effigy of a certain HONOURABLE GENTLEMAN; and after letting it hang by the Neck for some Time, near the Court-House, they made a large Bonfire with a Number of Tar-Barrels, &c. and committed it to the Flames. — The Reason assigned for the People's Dislike to that Gentleman, was, frõm being informed of his having several Times expressed himself much in Favour of the STAMP-DUTY. — After the Effigy was consumed, they went to every House in Town, and bro't all the Gentlemen to the Bonfire, and insisted upon their drinking, LIBERTY, PROPERTY, AND NO STAMP-DUTY, and Confusion to Lord B-TE and all his Adherents, giving three Huzzas at the Conclusion of each Toast. — They continued together until 12 of the Clock, and then dispersed, without doing any Mischief. And,

On Thursday, 31st of the same Month, in the Evening, a great Number of People again assembled, and produced an Effigy of Liberty, which they put into a Coffin, and marched in solemn Procession with it to the Church-Yard, a Drum in Mourning beating before them, and the Town Bell, muffled, ringing a doleful Knell at the same Time: — But before they committed the Body to the Ground, they thought it adviseable to feel its Pulse; and when finding some Remains of Life, they returned back to a Bonfire ready prepared, placed the Effigy before it in a large Two-arm'd Chair, and concluded the Evening with great Rejoicings, on finding that LIBERTY had still an Existence in the COLONIES. — Not the least Injury was offered to any Person.

On Saturday the 16th of this Inst. WILLIAM HOUSTON, Esq; Distributor of STAMPS for this Province, came to this Town; upon which three or four Hundred People immediately gathered together, with Drums beating and Colours flying, and repaired to the House the said STAMP-OFFICER put up at, and insisted upon knowing, "Whether he intended to execute his said Office, or not?" He told them, "He should be very sorry to execute any Office disagreeable to the People of the Province." But they, not content with such a Declaration, carried him into the Court-House, where he signed a Resignation satisfactory to the Whole.

As soon as the STAMP-OFFICER had comply'd with their Desire, they placed him in an Arm-Chair, carried him first round the Court-House, giving three Huzzas at every Corner, and then proceeded with him round one of the Squares of the Town, and sat him down at the Door of his Lodgings, formed themselves in a large Circle round him, and gave him three Cheers: They then escorted him into the House, where was prepared the best Liquors to be had, and treated him very genteely. In the Evening a large Bonfire was made, and no Person appeared in the Streets without having LIBERTY, in large Capital Letters, in his Hat. — They had a large Table near the Bonfire, well furnish'd with several Sorts of Liquors, where they drank in great Form, all the favourite AMERICAN Toasts, giving three Cheers at the Conclusion of each. The whole was conducted with great Decorum, and not the least Insult offered to any Person.

Immediately after the appointed STAMP-MASTER had comply'd with their COMMANDS, they call'd upon Mr. A STUART, the PRINTER, — (who had not printed the GAZETTE for some weeks before

the ACT took Place, it having pleased GOD to afflict him with a dangerous Fever) when he appeared, they ask'd him, if "He would continue his Business, as heretofore? — And Publish a NEWSPAPER?" He told them, that "As he had no STAMPT Paper, and as a late ACT OF PARLIAMENT FORBID the Printing on any other, HE COULD NOT. — He was then positively told, that "IF HE DID NOT, he might expect the same Treatment of the STAMP-MEN," and demanded a positive Answer:—Mr. STUART then answer'd, "That rather than run the Hazard of Life, being maimed, or have his Printing-Office destroy'd, that he would comply with their Request;" but took the WHOLE for Witness, that he was compell'd thereto.

His Excellency our GOVERNOR has been for some Time past very ill of Health: but we have the pleasure to say he is now recovering.

Circular Letters were sent last Week by the Governor, to the Principal Inhabitants in this Part of the Province, requesting their Presence at his Seat at Brunswick, on Monday last; where, after Dinner, his Excellency conferr'd with them concerning the STAMP-ACT: The Result of which shall be in our Next.

We hear from Newbern, that the Inhabitants of that Place, try'd, condemn'd, hang'd, and burn'd Doctor WILLIAM HOUSTON, in Effigy, during the Sitting of their Superior Court. — Mr. HOUSTON, however, thinks that there was too much of the Star-Chamber Conduct made Use of, in condemning him unheard; especially as he had never solicited the Office: Nor had he then heard he was appointed STAMP-OFFICER. — At Cross-Creek, 'tis said, they hang'd his Effigy and M' Carter's together, (he who murder'd his Wife;) nor have they spar'd him even in Duplin, the County where he lives.

We are told that no Clearances will be granted out of our Port, till a Change of Affairs.

NOTE. — On the margin appeared the following:

— *Its Brow's the Title Page,*
That speaks the nature of a TRAGIC Volume! — Shakes.

This is the place to affix the STAMP [Just above a ghastly skull and bones. — EDITOR.]

[N. C. LETTER BOOK S. P. G.,]

M^r Stewart to the Secretary.

BATH N^o Carolina. November 22nd 1765.

REVEREND SIR

I received your favor of the 26th of November last some time in the latter end of Sept. which was the first and only letter I have received since you have been appointed Secretary to the society.— But Charlestown is the worst passage for letters you can send by to the Missionaries of the Northern parts of this province, it being above 320 miles distant from this place and no correspondence by Vessels or otherwise between them—There are frequently Vessels advertised for Bath, Newbern and Edenton and the Brig Berwick Peter Copeland Master (by whom this goes) consigned to M^r William Hunter Fenchurch Street will return here as soon as she has discharged. Norfolk in Virginia is by much the highest place of Trade being but 80 miles from this place and a post goes regularly once a fortnight. I recovered my health so well after a fit of sickness, I had this last spring that hearing nothing from the society I determined to spend another summer in this province and I accordingly did and performed my duty in this and Hyde County as much.— I baptized in this Parish 52 white and 17 black Infants and two Indian boys and administered the sacrament to 107 Communicants— The number of our Inhabitants increases but slowly since the division of our County, we are about eleven hundred souls (besides black) all of whom except a few new lights profess themselves of the Church of England. In Hyde I baptised 72 white and thirteen Black Infants and administered the sacrament to 55 Communicants so that this half year I have baptized 124 whites 40 black infants and 2 indian boys and administered the sacrament to 162 communicants. I was in hopes that I should have been able to have gone into the other half of Hyde and into Pitt County this Fall, but I was taken ill the 11th day of October of a Fever which at once deprived me of the use of my limbs and tho' I have in a great measure got the better of my fever, yet I can no more walk than a new born Infant—,my pains are fixed in my right thigh and knee and tho' it is now two months almost since I have been taken and I use the Cold Bath constantly yet I am nothing the better—the business of my function exposes me to unavoidable hardships by water in this Eastern part of the

Country my parish is divided by a river five miles over. I am obliged to serve one Sunday on the South and the other on the North side of this River and the variety of Seasons here renders it frequently very difficult to cross and the latter end of this summer has been very tempestuous by which means I believe I have acquired that disorder I now am afflicted with being frequently in an open boat for six hours together and wet most of the times So that though I have not hitherto I shall as soon as able, make use of the Societies Indulgence for at present I am only a dead weight to them.

It grieves me that my letters of late should be so full of complaint but I trust in God that a few months absence will renew my health and restore me once more a useful missionary to this province.

I am &c
ALEX^r STEWART.

[REPRINTED FROM THE NORTH CAROLINA GAZETTE, 20th NOVEMBER, 1765.]

WILMINGTON November 27

Monday the 18th instant about 50. of the Gentlemen of Brunswick New Hanover and Bladen Counties waited on the Governor at his seat near Brunswick on his circular letters to them for that purpose when his Excellency was pleased to communicate his sentiments to them relative to the Stamp Act to the following purport: — He began by assuring them he would with pleasure exert his interest and influence in England in endeavouring to promote the prosperity of this colony by every means in his power consistent with his duty to his King and country; and should think himself happy in displaying that duty if he could at the same time contribute to the service of his Majesty's faithful subjects of this Province.

He mentioned and with moderation censured the conduct of some of the Colonies where the Officers of the crown had been insulted their houses pulled down, their furniture and effects destroyed and his Majesty's property invaded by burning the stamp paper sent from England; and expressed his hopes that no violence of that sort might be attempted, in case the stamps should at any time arrive here representing the danger of such proceedings and the disagreeable consequence which might attend them — The Parliamentary Right of Taxation he said he would by no means at that time enter

into the discussion of but hoped that none in this Province were desirous of destroying the Dependence on the Mother Country; and therefore strongly urged the prudence of not opposing the Legislature of Great Britain — He took notice of the impossibility of the Stamp Act operating in all its parts in this Province where the whole cash of the Country would scarcely pay a single year of the Tax; and declared his Intention of representing at home our circumstances in such a manner that we might reasonably expect whether the act was repealed or not, a favourable indulgence and exemption of this Colony unless his endeavours were frustrated by the conduct of the people — He enforced his observation by expatiating on the advantage that we should receive on a submission to the Act, by carrying on an extensive commerce, while our rural Colonies on the continent, by their refusal of the Stamps had entirely obstructed their order Trade: and as a further inducement to the reception of the small stamps, his Excellency generously offered to pay himself the whole duty arising on any Instruments executed on stamp paper; on which he should have any perquisite or fee; such as Warrants and Patents for Land; Testimonials; Injunctions in Chancery; Licences for Marriages; Letters of Administration and Testamentary with four Wine Licences for each of the Towns of Edenton, Newbern, Wilmington, Salisbury, and Halifax; two for Brunswick and Cross-Creek; and for Bath and Tarborough, one Licence each.

On these Proposals, the gentlemen, after retiring to consider them, waited on his Excellency the next morning, with the following Address:

SIR,

The Gentlemen to whom your Excellency was pleased to communicate your sentiments, yesterday relating to the Stamp Act, unanimously beg leave to return their most hearty thanks and acknowledgments for the obliging manner in which your Excellency express your desire of rendering this Province all the important service in your Power.

As your Excellency's known sincerity leaves no room to suspect you would make any professions without an intention of performing them; and as your Family, Fortune, and Interest in England, will always give considerable Weight to your remonstrances, we cannot but applaud the happy distinction of this Province, which has a

Governor so studious of promoting and so well satisfied to prosecute its Advantages and Prosperity.

The alarming Tendency of the Stamp Act, which for some months past, has excited the attention of America has given us an opportunity of considering its fatal Influence with that deliberation which the Importance of the subject requires, and we cannot on this occasion suppress discovering to your Excellency that every view of this Act confirms us in our opinion, that it is destructive of these Liberties which, as British Subjects, we have a Right to enjoy in common with Great Britain.

To our Sovereign we owe, and shall always be ready to testify by our Conduct, every Act of Loyalty and Obedience consistent with the Rights of a free people; and we most sincerely pray, that the British Throne may never want Heirs of the present illustrious House of Hanover to secure that happy constitution: But the Extention of the Stamp Act, by a melancholy presage of America being deprived of all, or most of the British Privileges, naturally suggests to us, that the submission to any part of so oppressive and (as we think) so unconstitutional attempts, is opening a direct inlet for Slavery, which all Mankind will endeavor to avoid.

For these Reasons it is with great pain we are obliged to dissent from what your Excellency has been pleased to mention of your paying the Stamp Duties on the Instruments enumerated in the Proposal, nor can we assent to the payment of the smaller Stamps: An Admission of Part, would put it out of our Power to refuse with any Propriety, a Submission to the Whole; and as we can never consent to be deprived of the invaluable Privilege of a Trial by Jury, which is one part of that Act, we think it more consistent as well as securer conduct to prevent to the utmost of our Power, the operation of it— At the same time, we assure your Excellency, that we will upon every occasion, avoid and prevent, as far as our Influence extends, any Insult or Injury to any of the officers of the Crown; but must confess, that the Office of Distributors of the Stamps is so detested by the People in general that we dont think either the person or Property of such an Officer, could by any means be secured from the resentment of the Country.

The connections between Great Britain and the Colonies, we by no means desire to interrupt or weaken but most ardently wish the Prosperity of both may be promoted, by the Encouragement of Commerce, and the Advancement of our mutual Interest.

And we can with equal sincerity, assure your Excellency, that we will at all times, in our respective stations, cheerfully contribute all in our Power, to render your Excellency's Administration, happy easy and honourable.

To which his Excellency was pleased to return the following Answer; Viz

TO THE GENTLEMEN OF NEW HANOVER, BRUNSWICK AND BLADEN COUNTIES:

Your Answer to my Proposals for the Circulation of the Stamp-Duties, should the Stamps arrive in this Province, is very agreeable to me as far as it expresses Loyalty to His Majesty; and your Assurance to contribute to the Honour, Ease and Happiness of my Administration; but at the same time I cannot help regretting, that my Intentions of Service to this Province at this Juncture, have so little a Prospect of Success, nor to lament the Consequences I apprehend, from the Resolution you Gentlemen have adopted.

BRUNSWICK, the 20th of November 1765.

Monday last died, and Yesterday was very decently interred, M^r George Weakely, formerly an eminent Merchant here.

The following is a genuine Copy of the Letter to Doctor William Houston, appointing him Stamp-Distributor for this Province.

STAMP-OFFICE LONDON. July 11th 1765.

SIR,

I am ordered by the Commissioners, to acquaint you, the Lords Commissioners of his Majesty's Treasury, have been pleased to appoint you to be Distributor of Stamps for North-Carolina: you are therefore on Receipt hereof to write to this Board to propose two responsible Persons in England to be bound with you, in the Penalty of Two Thousand Pounds. As this Duty takes place on the first of November next, and no Stamps can be sent you, until your Bond is executed, you are desired to be as expeditious as possible.

I am your humble servant
JAMES BRETTELL, Secretary.

[B. P. R. O. AM: & W. IND: VOL. 214.]

Copy of M^r W^m Houston's Resignation of his Office of Stamp Distributor for the Province of North Carolina.

I do hereby promise that I never will receive any stamp paper which may arrive from Europe in consequence of any Act lately passed in the Parliament of Great Britain nor officiate in any means as stamp Master or Distributor of the Stamps within the Province of North Carolina either directly or indirectly and I do hereby notify all the Inhabitants of His Majesty's province of North Carolina notwithstanding my having received information of my being appointed to the said stamp office not to apply hereafter for any stamp paper or to distribute the same untill such time as it will be agreeable to the Inhabitants of this Province: Hereby declaring that I do execute these presents of my own free Will and Accord without any Equivocation or mental Reservation whatsoever.

In Witness hereof I have hereunto set my Hand this 16th Day of November 1765.

W^m HOUSTON.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 23.]

Letter from the Board of Trade

WHITEHALL Nov^r 29th 1765.

SIR, [GOVERNOR TRYON]

It is with great pleasure & satisfaction, We congratulate you on the Commission His Majesty has been graciously pleased to give you of Governor in chief of His Province of North Carolina.

We gave all the Dispatch to that Appointment that lay in Our Power, and hope speedily to lay before His Majesty the Instructions to which your Commission refers.

The Measure you pursued upon the death of your Predecessor, of summoning the General Assembly to meet on the 2^d of May, appears to have been prudent and necessary, and it is with great Satisfaction We observe, that their Proceedings have been conducted with Temper and Moderation, & with a Zeal and Attention to the Pub-

lick Service that cannot fail of recommending them to His Majesty's favour.

The making provision for an Orthodox Clergy, free from the improper restrictions that had accompanied the former Acts for that Purpose, lays the foundation of Happiness and Prosperity to the Colony in its most essential Interests; It will be our duty to assist, as far as depends upon us, in every step, that can be taken to answer the good Ends of this pious Institution; and we doubt not but the Society for the propagation of the Gospel will show the same Zeal, and give all the Aid in their Power.

We embraced the earliest Opportunity, after the receipt of your Letter, to take up the Consideration of it, and of the Act transmitted with it, in which We have been assisted by the Bishop of London, with whom the Act now lies for his Observations upon it, and who has likewise given us reason to hope that he will enable us to send you proper Instructions as to the manner and Form of Induction of such Clergy, as shall go over to North Carolina properly qualified to serve the Churches there.

The inclosed Copy of an additional Instruction to Governor Dobbs contains those Objections to the Act passed in 1754, for granting to His Majesty Forty Thousand Pounds in Bills of Credit, which are referred to in the Minutes of the Board of the 13th of Decemb^r 1763, and when we consider the nature of the Complaints of the Merchants, on which that Instruction was founded, We hope the Candour of the Assembly will admit the Justice of them, and that the Amendment of the Law, in the Particulars pointed out, will not be thought incompatible with the Interests of their constituents; and in that case, We have no doubt, but that His Majesty will approve of the Money reserved being applied to the Purposes you mention.

The Clauses inserted in the Bill for facilitating the Navigation of the Ports was expressly contrary to that Article of the Instructions to the Governor, to which you refer; and therefore We cannot but approve your Conduct in having given a Negative to it.

The Irregularity in the mode of appointing Agents in all the Colonies has been long a Subject of complaint and difficulty in the Administration of the Affairs of the Colonies in this Kingdom; and if the Assembly should in their next Session not admit a proper Number of the Council to be the Committee of Correspondence,

which they certainly ought to be, We shall consider what step it may be proper for His Majesty to take.

We are Sir
DARTMOUTH
SOAME JENYNS
JOHN ROBERTS
W^m FITZHERBERT

[FROM MS. RECORDS IN OFFICE OF THE SECRETARY OF STATE.]

COUNCIL JOURNALS.

At a Council held at the Council Chamber at Wilmington December 20th 1765.

Present.

His Honour Col. W^m Tryon Lieut. Governor

| | | | | |
|------------|---|--------------------|----------------|------------|
| The Honble | { | James Hasell | Charles Berry | } Esquires |
| | | John Rutherford | William Dry | |
| | | Lewis DeRosset | Robert Palmer | |
| | | John Sampson | and | |
| | | Alexander McCulloh | Benjamin Heron | |

The Lieutenant Governor then produced His most sacred Majesty's Commission or Letters patent, bearing date at Westminster the 19th day of July in the fifth Year of his said Majestys reign constituting and appointing him the said Lieut Governor, His said Majestys Captain General and Commander in Chief in and over the province of North Carolina, Which said Commission was read and duely published in the presence of the Gentlemen of the Council above named.

Then His Excellency took all the Oaths appointed by law declared and subscribed the Test, also took the Oath for administring the Government and for securing the Acts of Trade and Navigation heretofore made and now in force.

Then the Council above named took the Oaths by Law appointed for the qualifying Officers, declared and subscribed the Test and took the Oaths of Office and Secrecy.—Ordered That His Excellency the Governor's Commission be recorded &c.

Also Ordered That the following proclamation be made forthwith publick property throughout this Province Viz^t,

NORTH CAROLINA—SS.

By His Excellency William Tryon Esq, Captain General Governor and Commander in Chief &c.

A Proclamation.

Whereas it is necessary for the peace and good government of this province that all Officers therein both civil and Military should hold themselves continued in their several Offices places and employments until my pleasure be further known;—I have therefore thought fit to issue this proclamation by and with the advice and consent of His Majesty's Council, And do hereby order signify and declare that all persons who now are or at the time of the promulgation of my Commission as Governor and Commander in Chief of this Province duly and lawfully possessed of or invested in any office, place or employment civil or military in this province shall be and hold themselves continued in the same Offices places or employments as formerly they held and enjoyed the same until my pleasure be further known; And that the said persons do not fail, every one severally according to his place, Office or charge to proceed, In the performance and execution of all duties thereunto belonging, And, further I do hereby Will and Command all and singular, His Majesty's Subjects in this province to be aiding and assisting at the Commandment of the said Officers in the performance and execution of the said Offices, as they will answer the contrary at their Perils.

Given under my hand and to which I have caused to be affixed the Great Seal &c at Wilmington 20th December, In the sixth year of his Majestys Reign 1765

Ordered, That Fountain Elwin Esq the Governors private Sec^r and M^r John London one of the Clerks of the Secretarys Office take the Oaths of Secrecy appointed for the Council and were sworn accordingly

At a Council held at Wilmington 21st December 1765

Present

His Excellency the Governor.

| | | | | |
|------------|---|-----------------|----------------------------|------------|
| The Honble | { | James Hasell | Alex M ^c Culloh | } Esquires |
| | | John Rutherford | William Dry | |
| | | Lewis DeRosset | Robert Palmer & | |
| | | John Sampson | Benj Heron | |

Ordered a proclamation for dissolving the Assembly issue in the following words, Viz —

NORTH CAROLINA — ss.

By His Excellency W^m Tryon Esquire &c.

A Proclamation.

Whereas I have qualified my commission as Captain General Governor and Commander in Chief in and for this Province. It is necessary that the present Assembly should be dissolved. I therefore with the advice and consent of His Majesty's Council have issued this proclamation for dissolving the said Assembly, and the same is accordingly dissolved.

Given under my hand and the Great Seal &c at Wilmington 21st Dec^r 1765 In the sixth year of His Majesty's Reign

W^m TRYON.

God save the King.

His Excellency laid before the Council for their opinion whether upon the present dissolution of the Assembly of this province, writs can issue for the election of a new Assembly, as the circulation the Stamps are obstructed. The Council desired the Attorney Generals opinion might be taken, and he Mr Attorney General was accordingly called into Council, and the Question being proposed to him, gave it his Opinion, "That issuing Writs for Electing, Members of Assembly is exercising the undoubted prerogative of the Crown and therefore such writs are not Subject to any duty by virtue of the Stamp Act and of course may legally be issued on common paper"—And then the Council gave their Opinion that Writs may issue, conformable to the Attorney Generals opinion

Then His Excellency proposed the 22^d of April next for holding the Assembly at Newbern, and Ordered that Writs be forthwith issued to the proper Officers of the several Countys and Towns Qualified to send members to the Assembly,—Also Ordered that the Answers to the Questions propounded by the Honble John Rutherford Esq Rec^{er} General of His Majestys Quit Rents, and by Order of His Excellency the Governor in Council referred for the Opinion of Robert Jones Jun Attorney General, be entered upon the Journals of this Board, Viz.

Q—1st Can persons holding by old patents bodies of Surplus Land be compelled to pay Quit Rents for the same, and if any what Quit Rents ought to be demanded for such surplus Lands

Answer—I am of opinion that the Grantee is chargeable with Quit Rents on the true Number of Acres contained within the

Bounds of his Grant from the date thereof, whether the patent be of Ancient or Modern date after the rate specified in his Grant.

Q — 2nd If necessary for the occupants to take new patents for such surplus Lands or are the marks and bounds of the Land described in the old patents to be deemed a good Title to such surplus Lands

Answer — The Patent if regularly obtained will be a legal Title to the Lands contained within the bounds specified therein, as it is a sufficient proof that the Grantee intended to purchase the whole, and the error in respect to the Number of Acres is a wrong computation of the Surveyor, who is appointed by the Crown; However if there was any fraud in procuring such patent, the same may be rendered void in the whole.

Q — 3^d What is the proper method to be taken to discover and to obtain payment for surplus Lands whether held by Proprietary Grants or Grants from the Crown, and if by Resurvey at who's expence?

Answer — If a Patentee on a amicable application refuses to have his land resurveyed, and the true Number of acres ascertained, he may be compelled thereto by a decree in Chancery, as also to pay the Quit Rents, in which Case I should think the Court will subject him to the whole Costs occasioned by his obstanacey — But if the Patentee submits to have his Land resurveyed on a friendly application, the Expence ought to be defrayed by the Crown as the Error in the first Surveyor's Computation is not to be imputed to such Patentee.

Q — 4th Whether the occupants are liable to pay Quit Rents for their Surplus Lands from the date of their Grants?

Answer — The Answer to this Question is comprized in the answer to the first Query.

Q — 5th What is the proper method to be taken to recover payment of Bonds or Notes. and for disposing of Lands escheated to the Crown by Persons tried and found guilty of Felony — those Bonds, Notes and Lands having been previously conveyed away to others after office found?

Answer — When a person is attainted of Felony, except for Petit Larceny and some particular Cases of felonies created by Act of Parliament, all the Lands he was seized of in Fee, at the time of committing such Felony are forfeited to the Crown and an Office being found are at the intire disposal of His Majesty immediately,

notwithstanding any conveyance thereof made after the Commission of such Felony; it not being necessary for his Majesty or any of His Officers to make an Actual Entry on such Land to perfect his Title; as it would be in the Case of a subject when his Title accrues by forfeiture or the Breach of a Condition Debts and Duties of every kind due to such Felon except such as are due to him as a Trustee, are in like manner forfeited to the Crown, and if the Bonds or other Writings given for securing the Payment of the same can be had, they may be recovered by Action at Law in the name of the Attorney General; but if they are assigned over and in possession of the Assignee or any other for his use, they cannot be recovered but by the aid of a Court of Chancery.

All of which is humbly submitted to His Excellency and the Members of His Majestys Honble Council

By Their most Obed^t and very humble Servant

ROBERT JONES, JUN^r

Occaneechy Dec 2nd 1765

[B. P. R. O. NO. CAROLINA. B. T. VOL. 23.]

Instructions to Our Trusty and Wellbeloved William Tryon Esquire, Our Captain General and Governor in Chief in and over Our Province of North Carolina in America. Given at our Court at S^t James's the Day of -- in the -- year of Our Reign.

First, We having thought fit by Our Great seal of Great Britain to constitute you Our Captain General and Governor in Chief in and over Our Province of North Carolina in America, you are therefore immediately upon having received these Our Instructions to call together the following Persons by name, whom we do hereby appoint to be the Members of Our Council for that Province, Viz: James Hasell, John Rutherford, Lewis DeRosset, Edward Brice Dobbs, Richard Spaight, John Sampson, Henry Eustace McCullock, Alexander McCullock, Charles Berry, William Dry, Robert Palmer and Benjamin Heron Esquires.

[The other instructions are identical with those given to Governor Dobbs, save that sections 13, 41, 45, 50, 51, 52, 53, 54, 55, 56, 57, 58,

66, 84, 85 and 118 of Dobbs's are omitted from Tryon's, and that in Tryon's are to be found certain new sections set forth below, viz., 45, 50, 71, 77, 78, 109 and 111. — EDITOR.]

45. Whereas Laws have been lately passed or attempted to be passed in several of the Colonies in America, enacting that the Judges of the several Courts of Judicature or other Chief Officers of Justice in the said Colonies, shall hold their Offices during good Behaviour, and whereas the Governors or other chief Officers of Our said Colonies have granted Commissions to the judges or other chief officers of Justice, by which they have been impowered to hold their said Offices during good Behaviour contrary to the express Directions of the Instructions given to the said Governors, or their Chief Officers by Us, or by Our Royal Predecessors, and whereas it does not appear to Us, that in the present Situation and Circumstances of Our said Colonies, it would be either for the Interest or Advantage of the said Colonies, or of this Our Kingdom of Great Britain that the Judges or other Chief Officers of Justice should hold their Offices during good Behaviour; It is therefore Our express Will and Pleasure, that you do not upon any pretence whatever, upon pain of being removed from your Government, give your Assent to any Act, by which the Tenure of Commissions to be granted to the chief Judges, or other Justices of the several Courts of Judicature, shall be regulated or ascertained in any manner whatsoever, and you are to take particular Care in all Commissions to be by you granted to the said Judges or other Justices of the Courts of Judicature that the said Commissions are granted during Pleasure only, agreeable to what has been the ancient Practice and Usage in Our said Colonies and Plantations.

50. Whereas frequent Complaints have been heretofore made that exorbitant Fees have been demanded and taken in Publick Offices in several of Our Colonies & Plantations in America, for Business transacted in such Offices, And whereas it hath been represented unto Us that there is great reason to apprehend that such unwarrantable Demands and Exactions are still continued in some of Our Colonies particularly on the Survey & passing Patents for Lands; And whereas such shamefull and illegal Practices do not only dishonour Our Service, but do also operate to the prejudice of the Publick Interests, by obstructing the Speedy Settlement of Our Colonies; It is therefore Our Will & Pleasure, and you are hereby strictly

enjoined and required forthwith upon receiving these Our Instructions to you, to cause fair Tables of all Fees legally established within the Province under your Government to be affixed up in every Public Office within your said Government, and also to publish a Proclamation in Our name under the Seal of Our said Province, setting forth the Complaints and Representations which have been made to Us, in respect to the exorbitant Fees demanded and taken in the Publick Offices of several of Our Colonies, expressing Our just Indignation of such unwarrantable and dishonorable Practices and strictly enjoining and requiring all Public Officers whatever, in their respective Stations not to demand or receive any other Fees for Publick Business transacted in their Offices, than what have been established by proper Authority, upon pain of being removed from their said Offices, and prosecuted with the utmost Severity of the Law. And It is Our further Will & Pleasure that you do also forthwith transmit to Our Comm^{rs} for Trade and Plantations, in order to be laid before Us, an exact and authentick List or Table of all Fees allowed to, or taken by each Officer respectively within the Province under your Government, specifying by what Authority the Fees allowed to, or taken by each Officer are established and distinguishing such, if any, as are taken without any such Authority.

71. Whereas it hath been represented unto Us that the Governors of several of Our Colonies in America have granted Lands away close to the Forts belonging to Us; by which means the Garrison of such Forts have been obliged to pay the Proprietors of those Lands extravagant prices for Wood cut for a necessary Supply of Fuel, and thereby a great and unreasonable Expence has been brought upon the Military Contingencies; It is Our express Will and Pleasure that you do take especial Care that in all Warrants for surveying of Lands adjacent or Contiguous to any Fort or Fortification, whether such Warrant be granted upon an original Petition to you in Council, or upon Our Order in Our Privy Council there be an express direction to the Surveyor, that he do reserve to Us Our Heirs and Successors for the use of the Fort, near to which the Lands shall lye, such a part of the Tract petitioned for (being Wood Land) and in such a Situation as the Commander in Chief of the said Fort (with whom he is required to consult and advise in all such Cases) shall judge convenient and sufficient for a permanent and certain Supply of Fuel for such a Garrison as the said Fort may be able to contain. And it is Our further Will and

Pleasure that a regular Plot of such reserved Land, describing the Bounds, expressing the Quantity of Acres, and properly signed and attested by such Surveyor be delivered to the Commanding Officer of each Fort, to be there publickly hung up, and a Duplicate thereof also recorded in the Secretary's Office or other proper Office of Record in Our Province under your Government; and as We judge the due Execution of this Our Order to be essential to Our Service you are hereby required to take care that the Regulations above prescribed be duly entered upon the Council Books of Our said Province, as a standing Order to all Persons who may be entrusted with the Powers to which they refer.

77. And whereas Our late Royal Grandfather was graciously pleased by His Orders in Council dated the 19th day of May 1737, in the tenth year of His Reign, to direct that one Million Two Hundred Thousand Acres of Land should be set out and granted unto Murray Crymble and James Huey and their Associates, in such Proportions as should be required by them, and upon the following Terms and Conditions, Viz: That They should settle one white person for every 200 Acres within Ten Years from the date of their Grants, and also that from and after the Expiration of that Term, they should pay unto Us, Our Heirs, & Successors, a Quit Rent of four Shillings Proclamation Money for every hundred Acres so granted to them. And whereas it hath been represented to Us that in consequence of the said Orders in Council the Associates of the said Murray Crymble and James Huey did in the year 1746 take out Ninety six Grants amounting in the whole to one Million Two hundred Thousand Acres; and whereas the times limited for fulfilling the Conditions of the said Grants are now expired, and it hath been represented unto Us that the whole of said Grants have not as yet been settled with white Persons in the proportion prescribed by the said Orders, It is our Will and Pleasure, and you are hereby authorized and required to seize and take possession of, in our Name and Right as forfeited and escheated, all such parts and Tracts of the said Lands as lye to the Southward of the Earl of Granville's boundary Line, and which shall not have been actually settled according to the Terms of the Grants, and you are afterwards to govern yourself in relation to the said Lands conformable to the 78th Article of these your Instructions relative to forfeitures & Escheats nevertheless it is Our Will and Pleasure that you cause proper Measures to be taken to secure the payment of Our Quit

Rents upon all such parts of the said Grantees Lands, as shall at that time be duly and compleatly settled, by permitting the Possessors holding under them by Grants or leases to attorn unto Us for the Payment of the Quit Rents, and to register at the proper Office for such Quantity of Land as they are actually in possession of, respective Grants or Leases under which they hold their Lands.

78. And whereas it has been represented to Us that Complaint hath been made by Henry MacCulloh in behalf of himself and other Associates of the late Murray Crymble & James Huey, that they have been greatly disturbed and molested in the quiet possession of their said Grants by the late Governor of Our said Province and others acting under his Authority, who took upon them to grant to other persons, Lands before set out and granted to them pursuant to Our said Royal Order, Our Will & Pleasure is, and you are hereby directed and required to maintain and support the said Grantees in their just and legal Rights, and in the quiet possession of their Lands.

109. Whereas the Peace and Security of Our Colonies and Plantations upon the Continent of North America does greatly depend upon the Amity & Alliance of the several Nations or Tribes of Indians bordering upon the said Colonies, and upon a just & faithful Observance of those Treaties and Compacts, which have been heretofore solemnly entered into with the Indians by Our Royal Predecessors Kings and Queens of this Realm; And Whereas notwithstanding the repeated Instructions which have been from time to time given by Our Royal Grandfather to the Governors of Our several Colonies upon this head, the said Indians have made, and do still continue to make great Complaints that Settlements have been made, and Possession taken of Lands, the property of which they have by Treaties reserved to themselves by persons claiming the said Lands under pretence of Deeds of Sale and Conveyance illegally, fraudulently, and Surreptitiously obtained of the said Indians; And whereas if in Our name strictly enjoining & requiring all persons whatever who may either willfully or inadvertently have seated themselves upon any Lands so reserved to or claimed by the said Indians without any lawfull Authority for so doing, forthwith to remove therefrom: And in case you shall find, upon strict Enquiry to be made for that purpose, that any person or persons do claim to hold or possess any Lands within Our said Province, upon pretence of Purchases made of the said Indians without a proper Licence

first had & obtained either from Us, or any of Our Royal Predecessors or any person acting under Our or Their Authority, you are forthwith to cause a Prosecution to be carried on against such person or persons who shall have made such fraudulent Purchases, to the end that the Land may be recovered by due course of Law: And Whereas the wholesome Laws, which have at different times been passed in several of Our said Colonies and the Instructions which have been given by Our Royal Predecessors. for restraining persons from purchasing Lands of the Indians without a Licence for that purpose, and for regulating the Proceedings upon such Purchases, have not been duly observed; It is therefore Our express Will and Pleasure, that when Application shall be made to you for Licence to purchase Lands of the Indians, you do forbear to grant such Licence, until you shall have first transmitted to Us by Our Comm^{rs} for Trade & Plantations, the Particulars of such Application, as well in respect to the Situation as the Extent of the Lands so proposed to be purchased, and shall have received Our further Directions therein; And it is Our further Will & Pleasure that you do forthwith cause this Our Instruction to you to be made publick, not only within all parts of your said Province, inhabited by Our Subjects, but also amongst the several Tribes living within the same, to the End that Our Royal Will and Pleasure in the Premises may be known, and that the Indians may be apprized of Our determined Resolution to support them in their just Rights, and inviolably to observe Our Engagements with them.

111. Whereas in consequence of Our additional Instruction to Our Governors of North Carolina and South Carolina respectively in the Year 1763, a temporary Line of Jurisdiction has been agreed upon, and set out by Commissioners appointed, by both the said Provinces, We do signify to you Our Will and Pleasure, that the Line so set out shall be the Line of Jurisdiction between Our said Provinces, until a perpetual Line of Partition between them shall be finally determined by Us, or until Our further Pleasure shall be signified thereupon.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Right Honble Hy. Seymore Conway

BRUNSWICK, 26th December 1765

In obedience to his Majesty's commands communicated to me by the honour of your letter of the 12th of July last, It is with concern I acquaint you that the obstruction to the Stamp Act passed last Session of Parliament has been as general in this province as in any colony on the continent, tho' their irregular proceedings have been attended with no mischief or are by any means formidable. I am much of opinion that whatever measures are prescribed and enforced by his Majesty's authority to the more formidable colonies to the northward will meet with a ready acquiescence in the southern provinces without the necessity of any military force. The first intelligence of the general alarm which was spread against the Stamp Act in this Colony was in October last, at a time I lay extremely ill of the fevers of this country which with repeated relapses I have experienced these five months past, I was very impatient to seize the first opportunity to communicate my sentiments to the merchants and gentlemen of New Hanover, and Brunswick counties, who are the persons that carry on the Commerce of Cape Fear River (and where I imagine the Stamps would arrive) on the then situation of public affairs. On the 18th November near fifty of the above gentlemen waited on me to dinner, when I urged to them the expediency of permitting the circulation of the Stamps, but as my health at that time would not allow me to write down any speech, I must beg leave to refer you, Sir, to the inclosed Carolina Gazette of the 27th November in which you will find nearly the substance of what I declared and proposed to the above gentlemen. Their answer and my reply are inclosed. Two days before the above meeting Mr Houston the distributor of the Stamps was compelled in the Court House at Wilmington, and in presence of the Mayor and some Aldermen to resign his office. The Stamps arrived the 28th of November last in his Majesty's Sloop, the *Diligence*, Captain Phipps, Commander, but as there was no Distributor, or other officer of the Stamps in this Country after Mr Houston's resignation, the Stamps still remain on board the said ship. No vessels have been cleared out since the

first of November from this river, or from any other in this province that I have received intelligence of. Some merchants from Wilmington applied to me for certificates for their ships, specifying that no Stamps were to be had, which I declined granting, referring them to the officers of his Majesty's customs; They have been as assiduous in obstructing the reception of the Stamps as any of the inhabitants. No business is transacted in the Courts of Judicature, tho' the Courts have been regularly opened, and all Civil Government is now at a stand, This stagnation of all public business and commerce, under the low circumstances of the inhabitants, must be attended with fatal consequences to this colony, if it subsists but for a few months longer. There is little or no specie circulating in the maritime counties of this province, and what is in circulation in the back counties is so very inconsiderable that the Attorney General assured me, that the Stamp duties on the instruments used in the five Superior Courts of this province would in one year require all the specie in the country; the business which is likewise transacted in the 29 Inferior or County Courts the many instruments which pass through the Sheriff's hands and other Civil Officers these the Land office and many other instruments used in transaction of public business were the reasons which induced me to believe the operation in all its parts impracticable and which likewise prompted me to make my proposals for the ease and convenience of the people, and to endeavour to reconcile them to this Act of Parliament.

On the 20th of last month I opened and proclaimed my commission at Wilmington where I consulted his Majesty's Councils if any measures could be proposed to induce the people to receive the Stamps. They were unanimously of opinion that nothing further could be done than what I had already offered. I have issued his Majesty's writs for a new election of Assembly, but shall not meet them till next April at Newbern.

As the arrival of Dispatches from the public Boards is extremely uncertain here at all times, but more particularly precarious in the present time, I should wish, Sir, that any commands you honour me with might be inclosed to the Governor of South Carolina or to Mr Barron the Post Master General, residing in Charles Town with orders to forward them to me by express.

I am, Sir &c^a

[N. C. LETTER BOOK S. P. G.]

Letter from M^r Moir to the Secretary. Extract.

REVEREND SIR

————— I have not been able to procure a copy of the Church Bill that was passed last assembly Governor Tryon tho' a soldier has done more for the settlement of a regular ministry in this province than both his learned Predecessors and yet was not importuned to ——— it here, as I know they both were — The happy effect of his prudent administration, I make no doubt will be felt in many other instances.

[B. P. R. O. NO. CAROLINA. B. T. VOL. 15.]

A return of the Lists of Taxables for the year 1765 in the Province of North Carolina.

| COUNTIES. | WHITE MEN TAXABLES | BLACKS AND MULATTORS MALE AND FE- MALE | TOTAL NUMBER IN EACH COUNTY |
|-------------------|-----------------------|---|--------------------------------------|
| Anson ----- | 584 | 131 | 715 |
| Beaufort ----- | 411 | 470 | 881 |
| Bertie ----- | 636 | 877 | 1513 |
| Bladen ----- | 604 | 633 | 1237 |
| Brunswick ----- | 209 | 1106 | 1315 |
| Bute ----- | ----- | ----- | 2078 |
| Carteret ----- | 411 | 931 | 1342 |
| Chowan ----- | 610 | 1017 | 1627 |
| Craven ----- | 1284 | 1320 | 2604 |
| Currituck ----- | ----- | ----- | 796 |
| Cumberland ----- | 866 | 366 | 1232 |
| Dobbs ----- | 1176 | 609 | 1785 |
| Duplin ----- | 848 | 130 | 978 |
| Edgcombe ----- | ----- | ----- | 1739 |
| Granville ----- | 974 | 701 | 1675 |
| Halifax ----- | ----- | ----- | 2628 |
| Hertford ----- | ----- | ----- | 1567 |
| Hyde ----- | 402 | 251 | 653 |
| Johnston ----- | 984 | 458 | 1442 |
| Mecklenburg ----- | ----- | ----- | 1352 |

LIST OF TAXABLES — *Continued.*

| COUNTIES. | WHITE MEN TAXABLES | BLACKS AND MULATTORS MALE AND FE- MALE. | TOTAL NUMBER IN EACH COUNTY |
|-------------------|-----------------------|--|--------------------------------------|
| New Hanover----- | 529 | 1476 | 2005 |
| Northampton----- | ----- | ----- | 2434 |
| Onslow----- | 678 | 451 | 1129 |
| Orange----- | 2825 | 579 | 3404 |
| Pasquotank----- | ----- | ----- | 1106 |
| Perquimons----- | ----- | ----- | 1531 |
| Pitt----- | 750 | 429 | 1179 |
| Rowan----- | ----- | ----- | 3059 |
| Tyrrell----- | 538 | 368 | 906 |
| Total Number----- | 28542 | 17370 | 45912 |

NOTE.—The return for Rowan County is for the year 1766; that of 1765 having been made to the Governor.

A true Copy taken from the Returns of the Clerks of the respective Superior Courts, J. EDWARDS. Priv. Sec^{ry}

[B. P. R. O. JOURNALS. B. T. VOL. 73.]

BOARD OF TRADE JOURNALS.

At a Meeting of His Majesty's Com^{rs} for Trade and Plantations

[P. 188.]

Monday June 1765

Present

Earl of Hillsborough

M^r Jenyns

M^r Bacon

Lord Orwell

M^r Gascoyne.

Read a letter from Wm. Tryon Esq. Lieut Governor of North Carolina to the Board dated April 1st 1765 informing their Lord^{sh} of the death of Gov. Dobbs and of his taking upon him the administration of affairs and recommending New Bern as the properest place for carrying on public business.

A letter to the Earl of Halifax acquainting him with Gov. Dobbs' death was signed .

[P. 199.]

Wednesday June 26th 1765

Read a letter from the Earl of Halifax to the Board dated June 26th 1765 notifying the appointment of William Tryon Esq to be Governor of North Carolina and signifying the King's pleasure that Draughts of a Commission and Instructions be prepared.

The Draught of a Commission appointing William Tryon Esq. Governor of North Carolina having been prepared accordingly was agreed and Representation thereon to His Majesty was signed.

[P. 249.]

Thursday Sept. 12th 1765

The Draughts of Letters to the Governors of North & South Carolina containing directions in respect to the provision to be made for defraying the expence of the survey of the Catawba Lands having been prepared pursuant to order were approved, transcribed and signed.

[P. 291.]

Thursday, October 10th 1765

Read a letter from Gov. Tryon to the Board dated June 24th 1765 relative to a duel between Lieut. Whitehurst and Alexander Simpson, Master, both of His Maj. Sloop the *Viper*.

Copy of sundry papers relative to the murder of Mr Whitehurst

Copy of a letter from Capt. Phipps to Gov. Tryon dated April 8, 1765 and of the Govr's Answer dated April 9.

Ordered that copies of the said letter and of the papers therein referred to be transmitted to the Lords Commiss^{rs} of the Admiralty as relating to the conduct of two Officers of His Maj. Navy

[P. 323.]

Tuesday, November 12th 1765

Read a letter from Gov. Tryon to the Board dated August 12th 1765 relative to the Acts lately passed there and to the proceedings of the Assembly also inclosing the following papers, Viz:—

Minutes of Council in Assembly from 3rd to 18th May 1765.

Journals of the Lower House of Assembly from 3^d to 18th May 1765

Four Acts passed in May 1765.

Ordered that a copy be made of the Act for making provision for an Orthodox Clergy for the Lord Bishop of London who said he would consider the same and favour the Board with his Observa-

tions upon it and also with his opinion as to the proper form and method of induction of Ministers to vacant cures in North Carolina.

Their Lordships then took into consideration the other parts of the letter from Gov. Tryon and made some progress therein.

[P. 343.]

Thursday, November 28th 1765

Their Lordships took into further consideration a letter from the Gov^r of North Carolina mentioned in the Minutes of the 12th inst. and the Draught of an Answer thereto having been prepared was agreed to and ordered to be transcribed — [p. 347.] and was signed Nov. 29th

[P. 389.]

Tuesday, December 24th 1765

The Draughts of General Instructions and of those for the observance of the Acts of Parliament relative to the Plantation trade having been prepared for the Governor of North Carolina pursuant to Order were approved and ordered to be transcribed a Representation to His Majesty thereupon was signed.

1766.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Benjamin Barons Esq Deputy Post Master General for the Southern District

BRUNSWICK 3^d January 1766.

I am sorry to have been prevented from giving you that satisfaction in the particulars you requested relative to the Post occasioned by the bad state of health I have laboured under for these last five months past. I have however obtained a route thro' this province, best calculated in the opinion of the principal gentlemen here, for the ease and conveniency of the General Post, as well as for the commercial interest of this Province. There is no general plan of this province but by the inclosed route you may be informed, the broad ferries of Neuse river, Pamlico and Albemarle sounds are avoided and the route the shortest where there are any accommodations for the riders. I should think it unnecessary for you to extend your

department further than Suffolk, as the northern Post already reaches that town; for was you to carry it on to Williamsburgh you would have a ferry of three miles over James River to cross, besides forty four miles further by land. If you have any thoughts of taking a view of the route I recommend for the Post and to consult with Mr Foxcroft, I should be glad to see you at Brunswick when I hope to furnish you with further particulars, in the meantime I shall refer you to Mr Peter Randolph, Surveyor General of his Majesty's Customs, who is well acquainted with this province and is willing to give you information of the present state of the back country in this colony.

I am Sir &c

Route from Suffolk in Virginia to the Boundary House of North and South Carolina on the Sea Coast

| | Miles. |
|---|--------|
| From Suffolk to Cottons Ferry, on Chowan River----- | 40 |
| Appletree Ferry on the Roanoke----- | 30 |
| Salters on Tar or Pamlico river----- | 35 |
| Kemps Ferry on Neuse do ----- | 28 |
| Newbern ----- | 10 |
| Trentbridge----- | 13 |
| Mrs Warburton's ----- | 13 |
| Snead's on New River Ferry----- | 26 |
| Sage's ----- | 13 |
| Collins ----- | 14 |
| Wilmington----- | 15 |
| Brunswick ----- | 15 |
| The Ferry----- | 2 |
| To Bells ----- | 20 |
| The Boundary House----- | 23 |
| Total miles----- | 297. |

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

Letter to M^r Richard Bennahan

PHILADELPHIA, January 4th 1766

DEAR SIR

We beg leave to ask your Civilities in favor of the Rev^d M^r Elihu Spencer & the Rev^d M^r Alex^r M^oWherter who travel thro N^o Caro-

lina. We have Such a regard for them as Clergymen — Gentlemen & Patriots that we wish to interest you and all our friends in making their Tour agreeable to them.

We are your Friends & Ser^t

WILL: HOOPER
JOSEPH HEWES
JOHN PENN

[FROM N. C. LETTER BOOK S. P. G.]

Letter from the Bishop of London to the Board of Trade &c.

JANUARY 13th 1766.

MY LORDS

I have in obedience to your Lordships commands considered the act of North Carolina communicated to me by Mr. Pownal together with an extract of a Letter from Governor Tryon so far as it relates to the passing of the said act I am very sensible of the difficulties which have hitherto attended every attempt to pass an advantageous Law for the Establishment of an orthodox clergy in that Province The two last acts of the assembly in 1755 and 1760 were thought liable to many objections which induced your Lordships to represent to His Majesty your opinion that they ought to receive the Royal disallowance — The present act is free from most of those objections which principally referred to the Powers claimed by the Vestry with regard to the Right of Presentation and to those provisions in it which seemed to affect the Prerogative of the Crown: It is silent as to any claim of that Right and therefore leaves it in the crown to be exercised by the Governor by virtue of his Patent from the King.

The provision made by this act for the clergy is likewise considerably augmented: By the former it was only £80 per ann. Proclamation Money. By this it is £133 — 6 — 8 and the Minister has a remedy which was not in the former act for the payment of his salary by a motion in the Superior court ag^t the churchwardens and vestry neglect^s or refusing to pay it. The provision would certainly have been more eligible if as the Governor himself suggested to the assembly it had been directed to be paid by the public Treasurer of the Province Nor can we see any reason why that method should be objected to as they have an example of it in South Caro-

lina where their salary to the clergy is paid every half year by the Public Treasurer of the Province out of a particular fund appropriated by an act of assembly for that purpose.

It were to be wished likewise that they would have been as indulgent to their clergy as in the other Province of South Carolina by agreeing to keep the parsonage house in repair solely at the expense of the Public which would not have left the Minister at the will and pleasure of the churchwardens who may oblige him to repair as they may direct nor expos'd his Executors to be harrassed by Law suits.

The act gives the Ministers a right to receive certain fees for the performance of Parochial duties but may there not be a difficulty in recovering them when refused? There is an easy method in one of the Barbadoes Laws which might have been followed in this — By a warrant from any of his Majestys Justices of the Peace as in case of money for Labourers hire and work done.

These are not mentioned as objections of weight against the act but rather as Hints which may be improved by the Governor and assembly in any future one. As the Governor has exerted a becoming zeal for the clergy in promoting this act and seems to think it upon the whole the best that was ever passed in that province I am rather inclined to consider it in a favorable light especially as it stands free from those unreasonable claims of Vestries which were not less greivous to the clergy than injurious to the prerogative of the crown.

There is one thing in this act which the Governor himself has pointed out and which therefore it can not be improper for me to take notice of. The not requiring the certificate of the Bishop of London that the person to be preferred to any Benefice hath subscribed before him That he will conform to the Liturgy of the Church of England as it is now by law established upon considering this matter with attention I don't see the same necessity for making this a part of the act as in the former acts By the former the Vestries claimed a Right of presentation. There was occasion therefore for a check upon them that they should present no one without such a certificate But as the right is now in the Governor there seems to be less occasion for such a check. He being by his instructions required to prefer no Minister to any Ecclesiastical Benefice without a certificate of his conformity If that standing instructⁿ is not thought sufficient I see no objection against taking this occasion of its omission in the act to enforce it more particularly by a new

instruction and perhaps it may not be unreasonable at this time to be more than commonly cautious that no clergyman shall be preferred by the Governors in any of the colonys who has not given security to a Bishop in England that he is a friend of the Establishment of a Protestant church and will conform to its doctrine and Discipline: A security which I must beg leave to recommend as in these times more particularly necessary when it is a fact which I mention from the best information that they who have given this Security have shewn themselves in the late disturbances in the plantations the most decent and orderly in their behaviour and the firmest friends of his Majestys Government.

That the Assembly have indeed in another part of the Act shewn some regard to that relation which the Ecclesiastical state of the Colonies has always been supposed to bear to the Bishop of London by enacting "That if any Incumbent shall be guilty of any "gross Crime or Immorality it shall be lawful for the Governor "with the advice of His Majestys Council to *suspend* him; and that "such *suspension* shall remain until such time as the Bishop of London "shall either restore or pass sentence of Deprivation upon him by "notifying the same to the Governor.

In the present state of Ecclesiastical Jurisdiction in the Colonies the power of suspension must be placed in some hands. It is certainly safer in those of a Governor than of a Vestry. It is indeed liable to be abused wherever you place it. But yet it is a matter of such consequence that a Clergyman found guilty of any grave crime or immorality should not be allowed to continue the exercise of his Function to the offence of his congregation that I am inclined to think the power of suspension (if it can be done legally) may be allowed to the Governor till a better remedy can be applied to those defects of Discipline which are owing to a want of a proper Ecclesiastical Jurisdiction. This power of suspension is not indeed made absolute in the Governor. It is only to continue "till such time as the Bishop of London shall restore or pass sentence of Deprivation on him by notifying the same to the Governor." But by what authority can the Bishop of London (who has no Commissⁿ from the Crown) proceed judicially to restore or to pass Sentence of Deprivatⁿ? As the case stands at present the Bishop cannot deprive him however guilty or if the Governor suspends the Clergyman however innocent he must remain suspended if it depends on the Bishop to restore him.

This circumstance affords a proper occasion of observing (and some late instances in the Island of Barbadoes will confirm the observation) not only how defective the Bishop of London's Jurisdiction is in the plantations but what Inconveniences arise from that defect. It is far from being clear that a Commission granted to the Bishop of London as it was to Bishop Gibson would be an adequate remedy to those Inconveniences: Bishop Sherlock who certainly could Judge as well as any man how far the powers given by that Commission would enable him to go and who it is to be supposed had no object to the exercise of any Jurisdiction which would answer the purposes for which it was intended stated his object to such a Commission to his late Majesty in Council as defective in many parts of it and giving Powers which no Bishop at this distance from the Plantations could exercise effectually. These objections were a sufficient inducement to that prelate Humbly to offer his reasons for the necessity of establishing Bishops in America as the only method of introducing Order & proper discipline in the Churches of our Colonies: And whoever considers the superior Abilities of Bishop Sherlock as well as the more enlarged extent of our dominions in America since his time will readily allow that the same objections may be urged with additional strength by one who by experience feels the force of them & sees too much reason to lament that with the best inclination to do his duty He finds himself unequal to that important part of it—the care and superintendency of Religion in the Plantations.

I need not to enumerate to your Lordships the peculiar Hardships which the Church labours under for want of a more complete establishment in America. Your Lordships attention to the important state of affairs in that Country must bring them. . . . into your views & lead you to work success to a measure so necessary for the sake of Government as well as of Religion—It must be left to the Wisdom of Government to judge of the most favorable season for that important Consideration whenever that season comes. I doubt not but that it will have all the attention which it deserves, whatever may be my own private thoughts upon the subject I cannot have a wish to see any measure carried into execution if it is not found to be consistent with the Principles of true policy and free from every reasonable objection upon the principles of conscience and Religious liberty

I have the Honor to be &c

RIC LONDON

[N. C. LETTER BOOK S. P. G.,]

Letter from M^r Reed to the Secretary. Extract.

NEWBERN January 14th 1766

REVEREND SIR

————— We have suffered the most intense heat during the last summer that ever was known in the memory of man, and about the middle of August I, was seized with the yellow Fever — The attack was exceeding violent, but soon over as is common in that disorder and left me exceeding deaf. Since that time I have enjoyed as good a state of health as ever I did since I came into America my hearing excepted which gives me great uneasiness.

M^r Stewart was brought here in an Horse litter about a month ago and has been ever since under the care of the Doctor — This afflicted Brother has lost the use of his limbs with the Rheumatism and can hardly support his own weight with the assistance of a pair of Crutches — He intends for England in the spring and to try whether dipping in the sea during the passage will not relieve him.

I am sorry to acquaint you the Schoolhouse still goes on very slowly occasioned by the Impediments mentioned in my last and particularly at present by the distracted and confused situation of affairs in this American world Tho' the people here are peaceable and quiet yet they seem very uneasy discontented and dejected — The Courts of Justice are in a great measure shut up and tis expected that in a few weeks there will be a total stagnation of Trade —

I am &c

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to the Board of Trade

BRUNSWICK 27 Jan^y 1766

When I left England I received in part of my instructions from your Lordships Board directions to co-operate with the Governor of South Carolina to carry into execution his Majesty's order for running a temporary boundary line between their two provinces and also to give my opinion what I thought would be a proper final

boundary. On my arrival here in 1764, I was informed Commissioners, from the two Provinces were upon the survey of the said boundary, The inclosed plan, numbered 1. will point out to your Lordships their first station at Little River Inlet, course north west till they come to the $35^{\circ} \dots 0'$ of north latitude. This course measured nearly eighty six miles and a half.

The Plan number 2 takes its course due west from the $35^{\circ} \dots 0'$ of north latitude, and stops at the eastward boundary of the Catawba nation five miles and an half short of the Catawba river; as will be seen by the plan of the Catawba tract of land; The distance of this western line sixty one miles, Your Lordships will observe by the Catawba plan, if this western course had been run but a few miles further, it would have taken into this province the whole of the Catawba nation, and tract: excepting a small triangle, containing a few hundred acres of land uncultivated, and uninhabited, This western line continued, would in thirty six miles from the Catawba river, also have extended to Broad River, Since the temporary line has been run, the distance between the two rivers has been measured by some of the planters on the frontiers, who were willing to know in which province they should apply for warrants, to be taken up for the survey of lands. The said western line still further continued would strike Seludy river, distance seventy computed miles from Broad river, These two rivers have their confluence at the head of Congaree river, which last empties itself into the Santee.

The gentlemen and inhabitants of the southern part of this province are very desirous of having the boundary carried so far to the southward as Wynyaw, and running up the Great Peedee river till it strikes the present temporary line (as in Plan No. 2), then to fall into the (present) western line. One argument among others for this extension of the boundary is, that it will give their western or back settlers, the opportunity of transporting their commodities thro' the Yadkin, and Rocky rivers down Great Peedee river, into the sea. This benefit they are in a great measure deprived of by the south government laying duties on commodities brought down the Peedee from this colony. As I esteem it my duty to act from the best of my judgment for his Majesty's interest; and as I consider the two provinces equally the concern and property of one master; I should imagine the fixing the boundary from Wynyaw &c^a would too much contract the sea board of the south government, and in a

future day, might be of more prejudice to that province, than of real advantage to this. The above mentioned waters are only navigable at certain seasons of the year, a circumstance attending all the rivers in these parts, high up the streams. On the contrary side, it has been urged, that the south province is equally desirous of establishing the boundary on the west banks of Cape Fear river and so up its north west branch to the $35^{\circ} 0'$ of north latitude. This division would be of infinite prejudice to this province, as it would shut out these four large counties, vid^l.

Brunswick, Bladen, Cumberland and Anson, and greatly interrupt and injure the commerce now carried on here. The interest, trade, property, and jurisdiction on both sides the river being blended; their disunion would cause great confusion in the business, as well as greatly retard the successful progress this river is making in her exports, particularly in the article of naval stores, most of which are shipped to Great Britain.

It is possible the Commissioners of his Majesty's customs may have experienced that where the divisional line of Colonies, has been ascertained by water courses, smuggling has been carried on with more success, than when the said dividing lines run over a land tract.

Upon the whole of these considerations I am of opinion the present temporary partition line is the best calculated for the final boundary, between these two governments; however it might be very expedient that the present line should be continued as far as Broad river; to the banks of which, settlements are already extended. This river is distant upwards of forty one miles from the eastward boundary of the Catawbass: where the Commissioners left off their survey.

I had, my Lords, further instructions to report to your Lordships board what proceedings have been had, and measures taken for ascertaining the line of partition between the lands belonging to the crown, and those markt out for the Earl of Granville. On this head I have obtained the following informations

In the autumn of 1743, Commissioners appointed (in pursuance of his late Majestys instructions bearing date the 25th day of April of the said year) set off for the sea coast to take the latitude of $35^{\circ} 34'$ north, lat. which they found to fall six miles and an half to the southward of Chinkinaconmack inlet, where they set up a cedar stake: From this station, they ran a west course across Cape Hatteras island; but on account of the sound of Pamlico, and a great Dismal or large Pocoson, which lies in Hyde county, they found it

impracticable to pursue their course. Accordingly they left off their survey on the west banks of Hatteras island; and agreed to go up to Bath Town, there to take the latitude. They found the town to lie nearly $35^{\circ} 30'$. The Commissioners then ran sixteen hundred and sixty poles a north course which brought them to the lat of $35^{\circ} 34'$ where they fixed two posts (now standing in the great road that leads from Bath to Edenton) from this station they ran a west course, eleven miles only, stopping at a plantation called Bonners Field. Here ended the survey in 1743. No further proceedings were had till the survey taken in April 1746: which was carried as far as Haw river, and in the October following continued it to Rocky river, which is the farthest this partition line has been carried. I had this intelligence from a gentleman who was on the survey

These two last surveys will be fully explained by the plans I enclose your Lordships (numbered 4 and 5;) the originals have the great seal of the province, affixed to them; and certified as authentic by Governor Johnston, Distances of these last three surveys, are

From Hatteras Island to Bonners Field,-----90 complete miles
to Saxhapaahaw or Haw River 104 measured miles
to Rocky River -----87 measured miles

It appears that Lord Granville's land, as set off contains fifty six geographical miles: which was one full eighth of the Carolinas in the second grant made to the proprietors by King Charles the second, in the seventeenth year of his reign containing $7^{\circ} 30'$ that is from the $29^{\circ} 0'$ to $36^{\circ} 30'$ north latitude, Whereas before the time Lord Granville's grant and release, was confirmed; near $3^{\circ} 0''$ of latitude was taken from Carolina by Florida and Georgia, I mention this circumstance not as an advantage his Lordship took of the Crown, as I presume he claimed his eighth under King Charles' grant; but as the probable reasons, why some people concluded, his Lordships line extended too far to the southward.

The present Lord has had no agent, to receive any quit rents, since his Father's death. I have reason to believe from several conversations I have had with the principal inhabitants of that district, that no subject will receive any adequate advantages for so rich a body of land, who is not on the spot, and diligent to superintend his agent. These people much wish to be tenants to the Crown; one reason is from the experience they have had of the two frequent abuses and extorsions of most of the agents that have been employed.

[N. C. LETTER BOOK S. P. G.]

Letter from Gov^r Tryon to the Secretary.N^o CAROLINA BRUNSWICK 29th Janry 1766

SIR

Your letter of the 21st May was delivered to me by the Reverend Mr Barnett on his arrival in this province the 26th October last. Agreeable to the Societys recommendation and your testimony of his good behaviour I received him into my family. His conduct is a credit both to his Function and to the Mission. I imagine the Society for propagating the Gospel in Foreign Parts was not apprised that the towns of Brunswick and Wilmington lay in two different Counties the former in Brunswick County, the latter in New Hanover, besides by act of Assembly I obtained last May at Newbern for establishing orthodox Clergy free from former objections Mr Barnett could not receive the benefit of a parish if he was to officiate at both the above Towns—Upon these considerations I have desired him to do duty in Brunswick County only unless any casual opportunity might offer for his performing services at Wilmington or elsewhere. From a just sense I entertain of the real benefit your society has been and still continues to be to these Colonies I must desire leave to offer my services and annual mite to so honorable and beneficial an institution—If I am elected a Member I will trouble you Sir to deliver the inclosed to Messrs. Drummond at Charing Cross.

I am &c

WM TRYON.

P. S. I sent last July the above Clergy Bill to the Board of Trade desiring it might be communicated with my letter (on the state of religion here) to your Society.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to the Board of Trade

BRUNSWICK 1st February 1766

I have been prevented from making up my despatches for your Lordships Board since those I sent of the proceedings of the General

Assembly held at Newbern in May last, by a severe and tedious illness which has visited me for these six months past. I now send your Lordships in a separate packet by the *Heron*, Parker, master, bound for Portsmouth the plans of the lines that were run in 1746 between the lands belonging to His Majesty and those set off for the Earl of Granville and also those of the temporary boundary line between the Carolina governments run in 1764 together with the fullest information I have been able to obtain on those subjects. The *Heron*, who likewise carries this dispatch is the first vessel that has left this port since the first of November, she sails with the old clearances, without stamp paper.

Mr. Simpson, late master of his Majesty's sloop the *Viper* who made his escape after being committed for the murder of Lieut Whitehurst of the said sloop surrendered himself up to justice, and took his trial at Washington Superior Court held last October. The verdict of the jury was manslaughter. The Attorney General to whom I wrote to prosecute for the Crown was prevented from attending, by a confirmed bad state of health: His deputy brought on the trial before the principle evidences arrived in the province who were on board the *Viper* every day expected, and who were present at the duel, as may be seen by the depositions

His Majesty's officers of the customs for this river have seized two vessels, the first a brig named the *Samuel*, Hezekiah Welch, master, was stopped the 29th of May by Mr Pennington comptroller on suspicion of the master having made a false entry; upon search near one hundred hogsheads of foreign molasses was found on board her, that had not been entered. This quantity has been condemned by a decree in the Court of Admiralty of this province. The sale of this molasses clear of all charges amounted to £324.. proclamation money; value in sterling £163.. this brig came from Hispaniola bound to Boston. The second vessel named the *For*, Nath^l Porter, master, was seized by Mr. Dry, the Collector, the 15th of October last on suspicion of her having broke bulk before entry. This vessel was condemned in the above court together with her cargoe which consisted of wines from the Azores and rum from Santa Cruz. The sale of this ship and her cargoe is just finished. As the Collector informs me he has not been able to make out the particulars of the amount of the sale, I will send them in my next dispatches.

I am next to inform your Lordship, I opened in his Majestys Council the 20th of December last at Wilmington the commission

his Majesty has honored me with as Governor of this Province. By the advice of the Council I dissolved the Assembly and issued new writs in his Majesty's name for the elections of a new Assembly, the writs returnable the 22^d of April when the General Assembly is to meet at NewBern.

Mr. Berry, Chief Justice of this province shot himself in the head the 21st December last and died in Wilmington the 29th of the same month. The Coroner's inquest sat on the body and brought in their verdict "Lunacy."

I have given the commission of Chief Justice during pleasure to Mr James Hasell, senior member of his majestys Council, next to the President; He is much the gentleman, has acted in this office at different times seven years to general satisfaction: Has been an inhabitant of this province upwards of thirty years and always esteemed a steady friend to the measures of government.

Mr Hasell, present Chief Justice, held the Commission of Chief Baron of the Exchequer: I have appointed Mr Robert Howe an Associate Judge, a gentleman of good character and abilities to be chief Baron of the Exchequer during pleasure.

The present members for his Majestys Council, are

Mr Murray, President

| | | |
|--|-------------|--|
| Mr Hasell, Chief Justice | } Members { | Mr Alexander M ^c Culloh |
| Mr Rutherford, Receiver Gen ^l | | Mr Henry Eustace M ^c Culloh |
| Mr DeRosset, | | Mr Palmer, Surveyor General |
| Capt Brice Dobbs | | Mr Dry |
| Mr Sampson | | Mr Heron |

I send your Lordships the names of the three following gentlemen for his Majesty's nomination of a Counsellor in the room of Mr Berry, Vidt, Mr Samuel Strudwick, Mr Francis Corbyn and Col^o Lloyd. Mr Strudwick came into the province at the time I arrived, has large possessions in this county, is a gentleman of very good character, and has already been warmly recommended to your Lordship's board. Mr Francis Corbyn was in the Council till suspended by the late Governor, he is a near relation of Mr Corbyn Morris's, one of the Commissioners of his Majesty's customs. Col^o Lloyd served with credit under the late General Bouquet in the Virginia provincial forces, against the indians; he is about thirty years of age and happily unites the spirit of the soldier with that of the gentleman. I gave Mr Murray, President, leave of absence for one year, to go to Boston; this leave expires next April. As Cap^t Dobbs has not been in this colony since my arrival: I should think it is prob-

able the death of his father may determine him not to return here; this will make another vacancy in the Council

The Act of Parliament laying Stamp duties on the Colonies, has been as generally rejected in this province as in any colony on the Continent: The particular conduct of the inhabitants; I have transmitted to Mr Conway one of his Majesty's principal Secretaries of State therefore I shall not trouble your Lordships on this subject. The Stamp papers arrived the 28th of November last in his Majesty's sloop the *Diligence*, Capt Phipps, Commander, from Virginia, where they still continue: I have issued a proclamation signifying their arrival, and that they would be delivered from on board the *Diligence* to any person who was properly qualified to receive them.

As the arrival of dispatches from the public boards is extremely uncertain here at all times, but more particularly precarious in the present times; I should wish that any commands your Lordships honored me with, might be inclosed to the Governor of South Carolina or to the Post Master General residing in Charles Town with orders to forward them to me by express

I am &c

[N. C. LETTER BOOK S. P. G.]

Letter from M^r Barnett to M^r Waring

CASTLE TRYON near Brunswick North Carolina

1st Feb^y. 1766 10 oclock at night

REV^d SIR

Since my arrival in Carolina I have heard from no one friend, nor any of my friends (but once) from me our ports as well as Courts of Justice are shut up & all business at a stand & this ever since the 1st of Nov^r & God knows how long it may continue.

Two vessels are about to sail one tomorrow for Portsmouth with dispatches for the government & the other for London with Naval Stores on Thursday next. This comes by the former by the latter I write D^r Burton

My situation at present is no further agreeable than as his Excellency our worthy Governor & the most amiable of women his Lady endeavor to render it so

At present I have no other *certain* income than what I receive from the society our public disturbances are risen to such an height

& the consequences of them are such as you can form but little conception of

The vestry have voted me £133: 6: 3 per annum currency (a guinea is £4 21) but I have no other security for the payment of that salary than *their honor* as no agreement enter'd into can now be legal without *stamp'd papers* & the honor of this Country is but a poor basis to build any great hopes on.

I cannot have the cure of Wilmington tho' join'd in the mission as that town is the Capitol of another County and pluralities are not known in these parts.

Our Gov^r writes by this opportunity to the Society & incloses an handsome sum in a Bill on Mess^{rs} Drummonds at Charing Cross & desires to be admitted a Member of the Society, he is one of the worthiest of men & has the interest of religion much at heart. He has lately procured an Act of Assembly for the better encouragement of the Clergy he has rais'd their salaries to the sum within nam'd & has happily got the right of Induction *vested in the Crown*

I have genteel apartments assigned me in the Governor's house & I thank God live extremely happy in the family

I judge it proper to acquaint you that one Stevens a Scotch Presbyterian teacher, comes in this vessel to get orders. I did propose to give you some very particular account of him but the Captain waits for the Letter & will not give me time to say more than that this Stevens has ill used the Governor affronted all the King's Council (but one *Scotch* gentleman) most villainously abused me & now comes to apply to the Bishop of London for orders without any recommendation to his Lordship you'll be able to form some judgment of the man when I tell you he has several times preach'd here in a Lawyers old gown given him at Wilmington to make some waistcoats of he has I assure you Sir baptized several children in the character of a Clergyman of the Church of England which before I came he had the impudence to assume & upon my detecting him he said in public Company he would go home to London, would make a genteel present to the Bishop & knew he could get an order from his Lordship to supersede me in my mission this he afterwards told me himself & he told some of the King's Council here anyone might get orders on making a Bishop a present of the price of a good Beaver Hat — which he intended doing, he came here a distress'd stranger the Gov^r took pity on him & promised to recommend

him to the Society if he behaved well for some time & also give him 50 guineas to bear his expences but his Excellency soon saw into the man forbid him his presence & will never suffer him to take a living here if he should get ordained.

The times are so distracted that I cannot possibly propose a negro school. I beg my best respects may be given to good M^r Skinner and family and my good friend M^r Hopkins & his very amiable family

With the most extraordinary haste &c
JOHN BARNETT Missionary

[N. C. LETTER BOOK S. P. G.]

Mr. Barnett to the Secretary.

BRUNSWICK Cape Fear Feby 3rd 1766

REVEREND SIR,

The unhappy disturbances in America has prevented any opportunity of my writing the venerable society till now.

The Governor has wrote you and desires to be admitted a member of the Society; he has enclosed a bill of Exchange on Messrs Drummond Charing Cross.

He is a gentleman of great goodness of heart, and a most sincere well wisher of the Society. His Excellency has lately effected what the late very worthy Governor often attempted.

An act of Assembly is at length obtained for vesting the right of Induction in the Crown, and the salaries are augmented to £133 per annum currency about £70 sterling.—

The Society were pleased to appoint me their Missionary to Brunswick and Wilmington, but these Towns being Capitals of two several Counties I can be minister to only one of them so have chosen Brunswick which is the residence of the Governor however I occasionally officiate in several other places one was upwards of one hundred miles distant from Brunswick.—

The extent of this Parish is I believe about sixty miles by thirty I have visited several times those parts in it appointed by the Vestry and have baptized from the 12th day of Nov^r to last of January Sixty White Children One Negro Child and one adult Negro—and three times administered the sacrament to about 25 communicants—

New light baptists are very numerous in the southern parts of this parish—The most illiterate among them are their Teachers even Negroes speak in their Meetings—They lately sent to me to offer the use of their meeting house where I propose to officiate once in two months.

His excellency has been pleased to subscribe about forty guineas towards finishing the church here and I believe the work will now go on briskly—it is a very handsome brick building upwards of Seventy one feet in length and breadth and height in proportion; the roof is finished and the Sashes Glass &c will arrive from England I hope in the next summer

I am &c
JOHN BARNETT.

[B. P. R. O. AMERICA & WEST INDIES. VOL. 269.]

Letter from John Stuart (Indian Agent) to Governor Tryon

CHARLES TOWN
5th Feb^r 1766.

SIR,

My having been long absent from this place in discharging the duties of my Office, as Superintendant of Indian Affairs, hindered me from doing myself the honor of writing your Excellency on your first arrival in your Government.

I now take this opportunity of paying my compliments of congratulation to your Excell^{cy}, and I sincerely wish your Administration may be attended with all imaginable success and happiness.

My business in the two Floridas was to settle the affairs of my Department, and to assist the respective Governors, in making peace with, and ascertaining the boundary Lines between the surrounding Indian Tribes and their Provinces, which is considered as essential to the preservation of their tranquility.

I have the pleasure to acquaint you that our endeavours were crowned with success, having obtained several considerable cessions of Land, and in a great measure effaced the bad impressions left on the minds of the Savages by the insinuations of the French.

During my absence Governor Bull in attention to the complaints of the Cherokee Indians relative to Encroachments made on their

Hunting Grounds by grants obtained from the two Carolinas, proposed fixing a boundary line, his proposal met with some difficulty on the part of the Indians, which however has been surmounted and the line is to be run accordingly.

I enclose your Excellency a copy of their Talk, on that occasion, in which they proposed, that a line be also run between your Province and their Hunting Grounds, pointing out the course of said Line, and where it is to commence.

I beg leave to offer it as my opinion, that the fixing a boundary Line is a measure necessary and essential to the preservation of peace with the Indian Nations, and which will have a good effect on the minds of all the Indian Tribes, as well as the Cherokees. I have this day sent away Alexander Cameron Esq^r, my Deputy, who has in charge to see the line between the Cherokees and this Province run out, on which occasion he is to act jointly with a person employed and authorized by this Province.

I have also directed him to follow any directions your Excellency may think proper to send upon that occasion, and to act conjunctly with any person, who may be authorized or employed by you; and if my proposal meet with your approbation it may be proper to acquaint M^r Cameron with your determination, as soon as possible, that he with the Indians may be ready to go upon the service if required.

It will give me great pleasure to facilitate any measure for the good of your Province, and to show with what respect I have the honour of being,

Sir, &c

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Philip Stevens, Esq.

At the Admiralty

BRUNSWICK 13th February 1766.

I received your letter of the 4th Inst with a packet inclosed directed to the Senior officer of his Majesty's ships and vessels at North Carolina. I had an opportunity of delivering the packet the same day to Capt Lobb of the *Viper* sloop I must request Sir the favor of you to acquaint the Lords Commissioners of the Admiralty, that I had before the receipt of your letter experienced a ready concurrence both from Capt Lobb and Capt Phipps in every application I have

made to them for his Majesty's service, and that I regret a young man of Capt Phipps' commendable spirit and zeal, for the honor of government and his profession, should be called from his station on this continent, in the present critical situations of public affairs here

I am &c

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Benjamin Barons, Esq.

BRUNSWICK 17th February 1766.

I have received your letter of the 4th Inst together with that of the 8th. The dispute you mention between Mr Burgwin and Mr Hamilton I am an entire stranger to and therefore think it need not have been made a subject to trouble me with. In the nice situation of public affairs on this continent I esteem it highly necessary that his Majesty's instructions to his Governors, should be conveyed to them with all possible dispatch, and security, as also, that the Governors correspondence to his Majesty's several boards should have the same advantages: These advantages I am wholly deprived of in this province, I am therefore to seek them in another. This, Sir, is the reason I subscribed for a messenger to go once a fortnight from Wilmington to Charlestown to carry my dispatches and receive those I might be honoured with by his Majestys commands, till the General Post Office might be set on foot. If you will send off an express from Charles Town to Wilmington once a fortnight or three weeks, — certainly subscribe to it, in preference to the subscription opened at Wilmington, should your office fund not be sufficient to support that expence. I enclose you extract of my speech to the Assembly recommending their assistance for the establishment of a general post, together with the Attorney Generals motion and the Resolve of the House in consequence thereof. Three of the Commissioners, appointed to treat with the Post Master General or his deputy, live in Edenton, the other two live within forty miles of the said town, These gentlemen I presume are the proper persons for you to concert the necessary measures for establishing the General Post thro' this province.

As soon as I meet the General Assembly I shall lay before them, and recommend the estimate you sent me in your letter of the 4th

Inst of the money requisite per annum to enable you to carry the Post thro' this colony: The Assembly stands appointed to meet the 22^d of next April.

The distance you desire to be informed of from Suffolk to the northern boundary of this Province, I am told is twenty four or twenty five miles, I mean in the route from Cotton's ferry to Suffolk.

The request you made me to recommend to you proper persons for your officers in the route the Post is to take, is a task I must decline at present, as my long confinement has prevented my acquaintance with persons possessed of the qualifications you require

My letter to you of the 3^d of January last, with this, contains I hope answers to every particular you required of me in your letters of the 11th of January last, and of the 4th and 8th Inst. Any further information or assistance you stand in need of for His Majesty's service as far as I am able, I shall be willing to procure you being ever ready to cooperate with any Crown Officer for the interest of his Majesty and the public; however deficient such officer may be in point of good manners and decency towards me. I must here to observe that the route I sent you in my letter of the 3rd of January; The expectations I expressed of seeing you in this province; The information Mr Surveyor General Randolph promised me to give you of the state of this province, to whom I referred you, with the consideration of the bad state of my health at that time, I thought would have been sufficient satisfaction for not then answering by letter every particular you desired; These reflections induce me to be of opinion your letter of the 4th inst was dictated with more warmth than judgment; and I doubt not, Sir, from the character I have received of you from my worthy friend lately at the head of your office, when you take a candid review of your letter you will join issue with me in sentiments

I am, Sir, &c

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

COUNCIL JOURNALS.

At a Council held at Brunswick 6th January 1766

Present

His Excellency the Governor

The Hon^{ble} { James Hasell Lewis H D^rRosset & } Esquires
 { John Rutherford William Dry }

Thomas Rutherford Deputy Clerk of the Council took the oaths of Secrecy appointed for the Council

His Excellency communicated to this Board that the Stamp papers were arrived in Cape Fear river in His Majestys Sloop of War *Diligence* Coustantine Phipps Esq^r Commander

Ordered that the following proclamation be forthwith issued Viz^t

NORTH CAROLINA

By His Excellency William Tryon Esquire &c

A Proclamation.

Whereas the Stamp papers for the use of this Province agreeable to Act of Parliament are now in Cape Fear river. I therefore thought fit By and with the advice and consent of His Majestys Council to issue this proclamation that no person may plead ignorance thereof and that any person properly authorized to be a distributor of the said Stamp papers may receive them by applying to the Commander of His Majestys Sloop of War the *Diligence* now riding at the port of Brunswick and giving his receipt for the same.

Given under my hand the Great Seal of &c. at Brunswick 6th Jan^y 1766 &c.

His Excellency was pleased to mention to this Board that the late Chief Justice Charles Berry Esquire was deceased, and that he approved of James Hasell Esq^r as a proper person to succeed said late Charles Berry Esq^r as Chief Justice of this Province — To which this Board unanimously agree

[REPRINTED FROM NORTH CAROLINA GAZETTE, 12 FEBRUARY, 1766.]

(February 12. 1766.)

THE

Numb. 70.)

NORTH-CAROLINA GAZETTE.

Wilmington; Printed by Andrew Stuart.

WILMINGTON February 12.

The Printer hereof cannot help observing to the Publick, that he is at present in a very disagreeable situation. At the earnest desire, or rather stern command of the people, he has endeavored with great difficulty, to carry on a News-Paper, well knowing, that that Province that is deprived of the liberty of the Press, is deprived of one of the darling Privileges, which they, as Englishmen, boast of. The Consequence has been, that, for publishing a letter from a gentleman at Tarborough, (who no doubt tho't that he was as much entitled to the liberty of the Press, and making his sentiments thereby known to the Public, as any other man) he has been threatened with a Horse whipping;—and doubtless he would have run some such hazard, had he refused inserting that very letter—What part is he now to act?—Continue to keep his Press open and free, and be in danger of corporal punishment, or bloque it up and run the risk of having his brains knocked out? Sad alternative.—One thing he has long ago resolved on, viz: That as he looks upon himself to be a free-born subject, no man shall ever horse whip him, if it is in his power to prevent it; and whenever any such threats are made towards him, he'll take care to be on his guard.

CROSS CREEK, January 30th 1766.

Mr Printer,

I am a Trader and Settler here, and have now by me several commodities, some of which I want to ship and some to dispose of. I sent some things lately down to Wilmington for both purposes, but could neither ship, or sell for money; and indeed I find Cape Fear the only Port in all America shut up; for I am informed, all the other Ports in this very Province are open, and Trade and Commerce carried on as usual; and what very greatly surprizes me is,

that three Vessels are now seized on by the Men of War, and many others coming in have gone off again, for fear of sharing the same fate; the Courts of Justice shut up, and a total stagnation of business; and all this without the least notice being taken thereof, which surprizes me beyond measure.—Where now is your late boasted Courage and resolution? Have the Wilmingtonians, Brunswickers and New-Hanoverians lost their senses and their souls, and are they determined tamely to submit to slavery?—O! horrid dreadful thought!—But say some among you, we are waiting for the K--g's At--y's Fiat, whether we are to be free men or slaves; and whether the Port and Courts shall be open. Rouze for shame, act the man, open your Port and Courts, arrest the men who have made illegal seizures, and been the means of detaining those Vessels, and put them under pain of military discipline, if they dare to seize any more. Delays are dangerous; there is no time to lose; perhaps in a short time it will be too late, for your tamely submitting to what has past, appears to be a tacit submission in part, to the Act: Be not deceived with the laconic advice of some, who perhaps want popularity, Commissions, Custom, or have some other sinister views; tis Liberty calls you, dear Liberty! Be therefore unanimous and put on a firm resolution without loss of time, to protect and defend to the utmost of your power, your Liberties and Properties from all Invaders and Opposers; and at the same time preserve inviolably your Faith and Allegiance to the best of Kings.

PHILANTHROPOS.

Yesterday (the 11th of February) being the day appointed by His Majesty's Writs for the electing of Representatives to sit in the ensuing Assembly, John Ashe and James Moore, Esquires, were chosen unanimously for the County of New-Hanover, and Cornelius Harnett Esquire for the Borough of Wilmington. A list of the New Assembly shall be published as soon as the Writs are returned.

No Vessels have come into our River for these two weeks past, nor do we expect that any will venture in, except European Vessels, and those from such Islands as have taken the Stamps.

The Ports of Ocracock, Beaufort, Cape Look Out, &c are the only Asylum that the Vessels bound to this Port have.

[FROM THE NORTH CAROLINA GAZETTE, 26 FEBRUARY, 1766.]

(February 26, 1766.)

THE

(Numb. 72.)

NORTH CAROLINA GAZETTE.

Wilmington; Printed by Andrew Steuart.

WILMINGTON February 26th

Notwithstanding what passed, relative to the Attorney General's opinion on the seizure of the Sloops, by Captain Lobb, for want of stamped Clearances, as mentioned in our last; the inhabitants remain greatly dissatisfied, more particularly at M^r Attorney's answer to the 3^d Quere, where he says, "If Prosecutions are intended against these Vessells, they must be sent to Halifax, &c." And concluding in these words viz^t "Upon the whole, it is my opinion, that it is the duty of the Collector to prosecute on the information he has received."

In consequence of which opinion, the People from several of the Counties round, assembled at Wilmington, on Tuesday the 18th of this instant, appointed Officers to take the Command, compelled them to act, and entered into the following Association, which was signed by all the principal Gentlemen, Freeholders and other inhabitants of several Counties; viz.

NORTH CAROLINA

We the subscribers, free and natural born subjects of George the third, true and lawful King of Great Britain and all its Dependencies (whom God preserve) whose sacred person, crown and dignity, we are ready and willing, at the expense of our lives and fortunes to defend, being fully convinced of the oppressive and arbitrary tendency of a late Act of Parliament, imposing Stamp duties on the inhabitants of this Province, and fundamentally subversive of the liberties and Charters of North America; truly sensible of the inestimable blessings of a free Constitution, gloriously handed down to us by our brave Forefathers, detesting Rebellion, yet preferring death to slavery, Do, with all loyalty to our most gracious Sovereign, with all deference to the just Laws of our Country, and with a

proper and necessary regard to ourselves and Posterity, hereby mutually and solemnly plight our faith and honour, that we will at any risque whatever, and whenever called upon, unite, and truly and faithfully assist each other, to the best of our Power, in preventing entirely the operation of the Stamp Act.

Witness our hands this 18th day of February 1766.

On Wednesday the 19th they proceeded to Brunswick where their numbers were soon increased to upwards of a thousand, and had intelligence of several hundreds more on their march to join them. On their arrival at Brunswick in order to remove all apprehensions on the part of His Excell^y the Governor, the following letter was delivered him, by two Gentlemen sent for that purpose, viz.

SIR,

The inhabitants dissatisfied with the particular restrictions laid on the Trade of this River, only, have determined to march to Brunswick, in hopes of obtaining in a peaceable manner, a redress of their grievances from the commanding Officer of His Majesty's ships, and have compelled us to conduct them. We therefore think it our duty to acquaint your Excellency, that we are fully determined to protect from insult your person and property; and that if it will be agreeable to your Excellency, a guard of gentlemen shall be immediately detached for that purpose.

We have the honor to be, with the greatest respect, Sir, your Excellency's most obedient humble servants

February 19th 1766.

To his Excellency Col: William Tryon, Governor and Commander in Chief of North Carolina.

On Thursday the 20th a Conference was held with the Commanding Officer of His Majesty's ships, and the Collector, and in the afternoon matters were happily accommodated, and a promise obtained, that the Port should for the future be freed from the particular restrictions heretofore laid on it, at least until the arrival of the Surveyor General of the Customs, and that Vessels should be entered and cleared as usual.

On Friday the 21st, a Party of men was sent for the Collector, Naval Officer, and Comptroller of the Customs; the Collector and

Naval Officer were brought, and information was received that the Comptroller was at the Governor's; upon which a Gentleman was dispatched to demand his attendance, which he refused to comply with; and the People being informed that he was detained by the Governor, a letter was then sent to request that his Excellency would be pleased to let him attend: They received for answer, that the Comptroller was employed by his Excellency on dispatches for His Majesty's service, and that any gentleman who had business with him, might see him at the Governor's house.

A Party was then immediately dispatched to fetch him, and marched directly to the Governor's; They halted near the house, by order, and a gentleman was once more sent to the Comptroller, to desire he would not put the People to the disagreeable necessity of entering his Excellency's House, with a promise, that if he would come out, no injury should be offered his person, which he at last complied with. The Party then joined the main Body, and marched immediately into the Town, drew up in a large circle, placing the Custom-House Officers in the Center, where they all made oath, that they would not, directly or indirectly, by themselves, or any other person employed under them, sign or execute in their several and respective Offices, any stamped Papers, until the Stamp Act should be accepted by the Province. All the Clerks of the Courts, Lawyers &c present, were sworn to the same effect. The People then immediately dispersed in order to repair to their several places of abode.

It is well worthy of observation that few instances can be produced, of such a number of men being together so long and behaving so well; not the least noise or disturbance, nor any person seen disguised with liquor, during the whole time of their stay at Brunswick, neither was there an injury offered to any person, but the whole affair conducted with decency and spirit, worthy the imitation of all the sons of Liberty throughout the Continent.

In consequence of matters being accommodated, with regard to opening the Port, the Sloops, *Dobbs*, *Ruby* and *Patience*, under seizure for want of stamped Papers, were delivered up to the Masters, and Owners and arrived at this Town on Friday the 21st instant.

By a Vessel commanded by Captain Luin, arriving at Point Look-Out, in this Province, in nine days from New York, we have the following agreeable account, which we hope will soon be confirmed;

(that is to say) Captain Luin says. That before he left New York a Vessel was arrived here from Falmouth in England, who had sailed in company with the packet, bound for New York, but had out-sail'd her; the Captain of which Vessel did assert, that that very packet had orders on board to the different Governors on the Continent to permit Trade, &c. to be carried on in the usual manner.—N. B. As Capt. Luin came down New York Bay, he met the above-mentioned packet going up.

The following paragraph is from a Newbern Paper of the 14th of January.

“Several gentlemen have arrived in Town this week from the northward, but bring no material advices: Nothing transpired from home with regard to the Stamp Act: Business goes on with them as usual; and their fear of seizures by men of war is so small, that they under write the risque at Philadelphia for two and a half per cent. on any voyage, except to Cape Fear, that being the only spot on the Continent where seizures of that sort happen.”

The Wilmington Express sets off Thursday morning early; and will continue to set off every other Thursday, for Charlestown in South-Carolina—Letters, Messages &c. must be left at the printing Office before 8 o'clock Wednesday evening.

[FROM TRYON'S LETTER BOOK.]

ARMED RESISTANCE TO THE STAMP ACT.

Letter from Governor Tryon with enclosures

25th February 1766

SIR [SECRETARY CONWAY]

As I wish to give you as particular a relation for his Majesty's information as I possibly can of an illegal Assembly of men in arms, assembled at Brunswick on the 19th Inst. I have collected all the letters and correspondence that has come to my knowledge previous to the 19th Inst. during the time the men remained in arms, as well as after they dispersed.

In this letter I shall chiefly confine myself to the narration of the actions and conduct of the body assembled, desiring leave to refer you to the letters as they occur in point of order, and time.

The seizures Cap^t Lobb made of the *Dobbs* and *Patience* sloops, (as by his letter to the Collector for taking the papers and the Attorney Generals opinion taken thereon) was an affair I did not interfere with; In the first instance I never was applied to, and in the second, I thought it rested with Cap^t Lobb

On the 16th in the evening Mr Dry, the Collector, waited on me with a letter he received dated from Wilmington the 15th February 1766, and at the same time informed me he had sent the subscribers word he should wait on them the next day. I strongly recommended to him to put the papers belonging to the *Patience* sloop on board the *Viper* (those of the *Dobbs* had some time before been given up to the owner on his delivering security for them) as I apprehended, I said, those very subscribers would compell him to give them up; His answer was "They might take them from him but he would never give them up without Cap^t Lobbs order." The weather on the 17th prevented Mr Dry from going to Wilmington till the next day.

The next intelligence I received was in the dusk of the evening of the 19th soon after 6 o'clock by letter delivered me by Mr George Moore and Mr Cornelius Harnet bearing date the 19th and signed "John Ashe, Thomas Lloyd, Alexander Lillington." My letter of the same night directed to the Commanding Officer either of the

Viper or *Diligence* Sloops of War will explain the opinion I entertained of the offer made of a guard of gentlemen, and my declaration to the detachment I found surrounding my house. This letter my servant about three in the morning put on board the *Diligence* who lay moored opposite to my house at the distance of four or five hundred yards, and returned to me again in a short space of time with Capt Phipps letter in answer. Soon after I had put up the lights required Capt Phipps came himself on shore to me, the guards having quitted the posts they had taken round the house and on the beach; With a most generous warmth and zeal Capt Phipps offered me every service his ship or himself could afford. I assured him the services I wished to receive from his Majesty's sloops consisted wholly in the protection of the Fort, That as Capt Dalrymple had but five men in garrison to defend eight eighteen pounders, eight nine pounders, and twenty three swivel guns all mounted and fit for service together with a considerable quantity of ammunition. I wrote an order to Capt Dalrymple "to obey all orders he might receive from the Commanding Officers either of the *Viper* or *Diligence* sloops of war," and desired Capt Phipps would send it to the Fort. I made it so general because Capt Phipps told me neither of the Sloops had a pilot there on board, and it was uncertain which ship could first get down to the Fort distant four leagues from where the ship then lay off Brunswick; Capt Phipps after a stay on shore of about ten minutes returned on board the *Diligence*.

On the 20th about 12 o'clock at noon Captain Lobb sent to desire I would meet him on board the *Diligence*, which request I immediately complied with, and at the same time the Collector Mr Dry came on board. There were then present, the Captains Lobb and Phipps. Mr McGwire Vice Judge of the Admiralty, the Collector and myself, Capt Lobb told me he had had a committee from the inhabitants in arms on board his ship, that they demanded possession of the sloops he had seized and that he was to give them his answer in the afternoon. Mr Dry the Collector informed me that his desk was broke open on the 19th in the evening and the unstamped papers belonging to the *Patience* and *Ruby* sloops forcibly taken from him. He said he knew most of the persons that came into his house at that time but he did not see who broke open the desk and took out the papers. Capt Lobb seemed not satisfied with the legality of his seizure of the *Ruby* sloop (seized subsequent to the papers that were sent to the Attorney General for his opinion, on the *Dobbs* and *Patience*) and

declared he would return her to the master or owner; but that he would insist on the papers belonging to the *Patience* being returned, which were taken from the Collectors desk, and that he would not give up the Sloop *Patience*, I approved of these resolutions, and desired that he would not in the conduct of this affair consider my family, myself, or my property, that I was greatly solicitous for the honor of government and his Majesty's interest in the present exigency, and particularly recommended to him the protection of Fort Johnston. I then returned on Shore. In the evening Capt Phipps waited on me from on board the *Viper*, and acquainted me that all was settled; that Capt Lobb had given his consent for the owners to take possession of the Sloops *Ruby* and *Patience*, as the copy of Capt Lobbs orders for that purpose will declare.

The report was not consistent with the determination I concluded Capt Lobb left the *Diligence* in, when I met him according to his appointment but a few hours before.

To be regular in point of time, I must now speak of some further conduct of the inhabitants in arms, who were continually coming into Brunswick from different counties. This same evening of the 20th Inst Mr Pennington, his Majesty's Comptroller came to let me know there had been a search after him, and as he guessed they wanted him to do some act that would be inconsistent with the duty of his office, he came to acquaint me with this enquiry and search. I told him I had a bed at his service, and desired he would remain with me. The next morning the 21st about eight o'clock I saw Mr Pennington going from my house with Col^o James Moore. I called him back, and as Col^o Moore returned with him, I desired to know if he had any business with Mr Pennington. He said the gentlemen assembled wanted to speak with him, I desired Col^o Moore would inform the gentlemen Mr Pennington, his Majesty's Comptroller, I had occasion to employ on dispatches for his Majesty's service, therefore could not part with him. Col^o Moore then went away and in five minutes afterwards I found the avenues to my house again shut up by different parties of armed men. Soon after the following note was sent and the answer annexed returned

"Sir,

The Gentlemen assembled for the redress of grievances desirous of seeing Mr Pennington to speak with him sent Col^o Moore to desire his attendance, and understand that he was stayed by your Excel-

lency, they therefore request that your Excellency will be pleased to let him attend, otherwise it will not be in the power of the Directors appointed, to prevent the ill consequences that may attend a refusal. They don't intend the least injury to Mr. Pennington."

Friday the 21st February 1766

To His Excellency

The Answer

"Mr Pennington being employed by his Excellency on dispatches for his Majesty's service, any gentleman that has business with him may see him at the Governors house."

21st February 1766.

It was about 10 o'clock when I observed a body of men in arms from four to five hundred move towards the house, A detachment of sixty men came down the avenue, and the main body drew up in front in sight and within three hundred yards of the house. Mr Harnett a representative in the Assembly for Wilmington, came at the head of the detachment and sent a message to speak with Mr Pennington. When he came into the house he told Mr Pennington the gentlemen wanted him. I answered, "Mr Pennington came into my house for refuge, he was a Crown Officer, and as such I would give him all the protection, my roof, and the dignity of the character I held in this Province, could afford him." Mr Harnett hoped I would let him go, as the people were determined to take him out of the house if he should be longer detained; an insult he said they wished to avoid offering to me: An insult I replied that would not tend to any great consequence, after they had already offered every insult they could offer, by investing my house, and making me in effect a prisoner before any grievance, or oppression had been first represented to me. Mr Pennington grew very uneasy, said he would choose to go to the gentlemen; I again repeated my offers of protection, if he chose to stay. He declared, and desired I would remember that whatever oaths might be imposed on him, he should consider them as acts of compulsion and not of free will; and further added, that he would rather resign his office, than do any act contrary to his duty. If that was his determination, I told him he had better resign before he left me: Mr Harnett interposed, with saying he hoped he would not do that: I enforced the recommendation for resignation. He consented, paper was brought and his resignation executed and received. I then said, Mr Pennington, now Sir, you may

go; Mr Harnett went out with him; the detachment retired to the town. Mr Pennington afterwards informed me, they got him in the midst of them when Mr Ward, master of the *Patience* asked him to enter his sloop. Mr Pennington assured him he could not, as he had resigned his office. He was afterwards obliged to take an oath that he would never issue any stamped paper in this province. The above oath the Collector informed me he was obliged to take, as were all the clerks of the County Courts, and other public officers;

The inhabitants having redressed after the manner described their grievances complained of, left the town of Brunswick about 1 o'clock on the 21st. In the evening I went on board the *Viper* and acquainted Cap^t Lobb I apprehended the conditions he had determined to abide by when I left the *Diligence*, were different to the concessions he had made to the committee appointed for the redress of grievances: That I left the *Diligence* in the full persuasion he was to demand a restitution of the papers or clearances of the *Patience* sloop, and not to give up the possession of that vessel; That I found he had given up the sloop *Patience*, and himself not in possession of the papers, He answered, "As to the papers, he had attested copies of them, and as to the sloop, he had done no more than what he had offered before this disturbance happened at Brunswick." I could not help owning I thought the detaining the *Patience* became a point that concerned the honor of government and that I found my situation very unpleasant, as most of the people by going up to Wilmington in the sloops would remain satisfied and report thro' the province, they had obtained every point they came to redress, while at the same time I had the mortification to be informed his Majesty's ordnance at Fort Johnston was spiked: This is the substance of what passed on board the *Viper*. On the 22^d Capt Phipps accompanied me to Fort Johnston, where I found Capt Dalrymple sick in bed, two men only in garrison, and all the cannon that were mounted, spiked with nails I gave orders for the nails to be immediately drilled out which will be executed without prejudice to the pieces. I returned to Brunswick in the evening and the next morning sent my letter bearing date 23^d to Capt Lobb to desire his reasons for spiking the cannon &c. He returned me his motives for this conduct by letter the 24th inst.

Capt Lobbs complaint relative to the provisions for his Majesty's sloops being stopt at Wilmington with the contractor's certificate of the manner of this restraint and my letter to the Mayor of Wil-

mington to require his assistance in furnishing the provision demanded, will be fully I hope understood by that correspondence

By the best accounts I have received the number of this insurrection amounted to 580 men in arms, and upwards of 100 unarmed. The Mayor and Corporation of Wilmington and most all of the gentlemen and planters of the counties of Brunswick, Newhanover, Duplin, and Bladen with some masters of vessels, composed this corps. I am informed and believe the majority of this association were either compelled into this service, or were ignorant what their grievances were. I except the principals. I have inclosed a copy of the association formed to oppose the Stamp-Act

Thus, Sir, I have endeavoured to lay before you the first springs of this disturbance as well as the particular conduct of the parties concerned in it and I have done this as much as I possibly could, without prejudice or passion, favor or affection

I should be extremely glad if you, Sir, could honor me with his Majesty's commands in the present exigency of affairs in this colony and in the meantime will study to conduct myself with the assistance of his Majesty's Council in such manner as will best secure the safety and honor of government and the peace of the inhabitants of this province.

I am, Sir, with all possible respect and esteem.

Copies of Letters and papers referred to in the preceding letter

[Copy.]

Viper, Cape Fear, 14th January 1766

SIR,

As the Sloops *Dobbs* and *Patience* not having their clearances on stamp paper according to Act of Parliament I have detained them and herewith you will receive the papers in order to their being prosecuted in the Court of Admiralty as I am directed by the Commissioners of the Customs,

I am, Sir,

Your humble servant

JACOB LOBB.

William Dry Esq.

[Copy]

CUSTOM HOUSE PORT BRUNSWICK

16th January 1766.D^r SIR,

By instruction from the Surveyor General, I am ordered in case any of the Men of War should make any seizures to receive the cause of seizure and her papers from them and to transmit them to you for your opinion which I am to be ruled by whether I am to prosecute or not.

This therefore serves to inclose you the papers of two vessels, one from Philadelphia the other from St Christophers which Capt Lobb hath seized for not having stamp papers as you'll see by his letter to me here inclosed. The papers are in separate packets, the one parcell are copies of the originals and the others are the original papers which Mr Quince desired I might send as belonging to his Vessel; All which I must entreat the favor of you to look over and to return me your opinion by this express which I send on purpose I beg the messenger may be dispatched

I am — D^r Sir &cW^m DRYRobert Jones Jun^r Esq.

[Copy]

OCCANECHY 3^d February 1766D^r SIR,

I received yours of the 16th ult^o p^r your messenger, and have perused the papers sent therewith, from whence I have made a state of the case you desire to be advised about, as it occurs to me, and subjoined to it my opinion in full, both which you will receive inclosed. As matters are circumstanced I think you ought to proceed in prosecuting both vessels, lest your neglect, should be deemed a connivance at the opposition made to the Stamp Act, which is an affair of the Crown and probably may be thought worthy of censure.

Pray let Mr Quince have a sight of the Case and my opinion, as by my letter to him I have referred him to you for that purpose.

I was from home when your messenger came and did not return till last night which occasioned his tarrying I am, &c

ROBERT JONES Junr

P. S. The Act does not require that Registers should be on Stampt paper

To the Honble William Dry, Esq.

[Copy.]

State of the case relative to the Sloops *Dobbs* and *Patience*, lately arrived in Cape Fear river, the one from Philadelphia, the other from St Christophers.

It is supposed that no Stampt Paper could be procured by the officers of the Customs in the ports from whence the said vessels sailed, therefore the Captains obtained clearances, certificates &c on common paper and proceeded to Cape Fear where they are seized by Capt Lobb, Commander of his Majesty's Sloop, *Viper* who makes information to the Collector of the Port, requiring him to commence prosecutions against them.

Quere, 1. Is failing to obtain Clearances &c on stamped paper a proper cause for seizing the said vessels and to be considered as a neglect of the duties required by the Acts of Trade sufficient to induce a Court of Admiralty to decree vessels and cargoes forfeited?

2. Upon proof being made that it was impossible to obtain Clearances &c on Stampt Paper of the officers of the customs in the ports from whence the said vessels sailed, will it not be a sufficient cause to induce the Court to decree in favor of the owner of the said vessels?

3. If it is necessary to prosecute on Capt Lobbs information, must the prosecution be commenced in the Court of Admiralty at Cape Fear, or must the said vessels be sent to Halifax in order to be libelled?

In answer to the first question — The Clearance &c being on common paper it is the same as if these vessels had sailed without clearances, and of course they are liable to be seized, and I think condemned by a Court of Admiralty with their cargoes.

2nd Reason does not require impossibilities and Courts of Admiralty often decree favorably on the part of the owners of the vessels and

cargoes where it does not appear that any fraud was intended to the Crown; especially where all has been done that it was in the power of the Captains and owners of vessels to do; but the Captains of these vessels seem to me to have been guilty of great neglect. They should have tendered the Kings duties to the officers of the customs and demanded proper clearances &c and on being refused they should have made the like tender to a Notary Public and offered a protest. Had these matters been complied with so as to be duly proved on a trial, I should think the Judge would decree that the vessels and cargoes were not forfeited.

3. If prosecutions are intended against these vessels, they must be sent to Halifax, for should they be libelled here, and the proceedings carried on upon common paper, such proceedings will be mere nullities and not alter the property either of the vessels or cargoes. As to the provision in the Stamp Act that penalties should be sued for where offences against that Act are committed, that must be understood of pecuniary penalties specified in the said Act, and can have no relation to matters mentioned in the above case. Upon the whole it is my opinion that it is the duty of Collector to prosecute on the information received.

ROBERT JONES Jun^r

Copy of a Letter Signed by the Undermentioned Persons to William Dry Esq^r Dated Wilmington Saturday Afternoon 15th February 1766.

SIR,

This day was received the Copy of the Attorney Generals answer to the Queries and of his Letter relative to the Vessels seized by Captain Lobb.

There were many of the Country Gentlemen in Town this Morning who are since gone away very much dissatisfied on the Matter; and it is certain that in a few days the News will spread through several of the Counties: We are apprehensive of the very Ill Consequences that will attend this affair should you suffer these Vessels or the Papers belonging to them to be carried out of the River. If the People of the Country come down in a Body which we are informed they are determined to do, We leave you to judge how far our Properties or yours may be secure.

We mention these matters to you as Friends to Our Country Our-
VOL. VII—12

selves and you, and leave you to determine in what manner you ought to act on this interesting Occasion

We are Sir your most Obedient Servants

| | |
|---------------------------|--------------------------------|
| HUGH WADDELL | MOSES JN ^o DEROSSET |
| JOHN MORTIMER | CORNELIUS HARNETT |
| HENRY TOOMER | JOHN LYON |
| WILLIAM MOUATT | JOHN DUBOIS |
| J WILKINSON | FREDERICK GREGG |
| ALEX: ROSS | ALEX DUNCAN |
| W ^m GREGORY | W ^m CAMPBELL |
| FRANCIS DROMGOOLE | BENJ ⁿ STOWE |
| J EUSTACE | JOHN GAY |
| JN ^o ROBESON | MARCUS FORD |
| GEO PARKER | WILLIAM WADDELL |
| JOHN QUINCE | DAVID JAMES |
| JAMES WALKER | MALALIAL HAMILTON, |
| A MACLAINE | JAMES BLYTHE |
| JN ^o FOSTER | JOHN CAMPBELL |
| JOS: PENNELL | WILL ^m PURVIANCE |
| GEO PALMER | SAMUEL GREEN |
| ARCH ^d CLAYTON | OBADIAH HOLT |
| ROBERT WALES | HERVEY YOUNG |
| ROBERT WALKER | ANTHONY WARD |

Copy of a Letter delivered to Governor Tryon by George Moore and Cornelius Harnett Esq^{re} February 19th 1766 at 6 O'clock in the Evening.

SIR,

The Inhabitants dissatisfied with the particular Restrictions laid on the Trade of this River only, have determined to march to Brunswick in hopes of obtaining in a peaceable manner a redress of their Grievances from the Commanding Officer of His Majesty's Ships, and have compelled us to conduct them. We therefore think it our Duty to acquaint Your Excellency that we are fully determined to protect from Insult your Person and Property, and that if it will be agreeable to Your Excellency a Guard of Gentlemen shall be immediately detached for that purpose.

We have the Honor to be &c

JOHN ASHE

THO LLOYD

ALEX: LILLINGTON.

February 19th 1766.

[Copy.]

BRUNSWICK 19th February 1766

SIR,

Between the Hours of Six and Seven O'clock this Evening M^r George Moore and M^r Corn^s Harnett waited on me at my House, and delivered to me a Letter signed by three Gentlemen: The Inclosed is the Copy from the Original. I told M^r Moore & M^r Harnett, that as I had no fears or Apprehensions for my person or property I wanted no Guard, therefore desired the Gentlemen might not come to give their Protection where it was not necessary or required. And that I would send the Gentlemen an Answer in Writing tomorrow morning. M^r Moore & M^r Harnett might stay about five or Six Minutes in my House, Instantly after their leaving me I found my House surrounded with armed Men to the Number I estimate of One Hundred and fifty. I had some altercation with some of the Gentlemen who informed me their Business was to see Cap^t Lobb; whom they were informed was at my House. Cap^t Paine then desired me to give my Word and Honour whether Cap^t Lobb was in my House or not, I positively refused to make any such Declaration, but as they had Force in their Hands, I said they might break open my Locks and force my Doors. This they declared they had no intention of doing. Just after this and other Discourse, they got Intelligence that Cap^t Lobb was not in my House. The Majority of the Men in Arms then went towards the Town of Brunswick, and left a Number of Men to watch the Avenues of my House, therefore think it doubtfull, If I can get this Letter safely conveyed. I esteem it my Duty to inform you as Fort Johnston has but one Officer, and Five Men in Garrison, the Fort will stand in need of all the assistance the *Viper* and *Diligence* Sloops can give the Commanding Officer there should any Insult be offered to His Majesty's Fort or Stores; In which Case it is my Duty to request of you to repel Force with Force; and to take on Board His Majesty's Sloops so much of His Majesty's Ordnance, Stores and Ammunition out of the said Fort as you shall think necessary, for the Benefit of the Service.

I am Sir &c

W^m TRYON.

To the Commanding Officer either of the *Viper* or *Diligence* Sloops
of War.

SIR

I have received Your Excellency's Favor and am much concerned at the Uneasiness this Accident will have given you & fear Mr Tryons Health will be injured by this Alarm. I have been disappointed in two Attempts to see Your Excellency tonight one very early, t'other late. I had immediately upon hearing two Hundred Men were gone down sent Lieut: Calder with five Men and Spikes for the Guns if Cap^t Dalrymple thought them necessary and to give them any other Assistance that was necessary. I believe they were down in time. I hope if this gets safe Your Excellency will let me know it by showing a light on each of the Middle Windows above Stairs, if I see that Signal I will inform Your Excellency of the Success of my Boat by haling down the Pennant at Sunrise or soon after. Cap^t Lobb received a Deputation to desire he would come on Shore which he refused.

Your Excellency's most &c

C. T. PHIPPS

To His Excellency Governor Tryon &c &c &c

BRUNSWICK the 23^d February 1766.

SIR

I was yesterday with Cap^t Phipps at Fort Johnston where I found twenty three Swivel Guns, Eight Eighteen Pounders and Eight Nine Pounders spiked. I demanded of Cap^t Dalrymple the Commanding Officer his Authority for spiking the Cannon; He produced Your order, and said Lieut: Calder of the *Diligence* in Consequence of it spiked the above Cannon. As I understand Your Midshipman was yesterday disappointed in getting Copies of my Instruction to Cap^t Dalrymple and Your Order to him, I insert them both. Vid^t

SIR

"You will obey all Orders you may Receive either from the Commanding Officer of the *Viper* or *Diligence* Sloops of War.

I am &c

W^m TRYON19th Feb^r 1766To Cap^t Dalrymple.

20th Feb^y 6 Oct.

"I think it necessary at this time you will render the Guns at
"Fort Johnston Unserviceable, as there is a number of Men which
"intend to insult His Majesty's Ships now in this River

I am &c

JACOB LOBB.

To Cap^t Dalrymple.

I must observe that the reason you give in this Order is totally
Contrary to every Sentiment I entertained, as I hope my Letter Will
Justify of the 19th delivered to You by Lieut: Calder directed to
"the Commanding Officer either of the *Viper* or *Diligence* Sloops of
"War," as well as my Conversation on board the *Diligence* on the
20th, where you desired I would meet you. I never had a Suspicion
that it was in the Power of the Persons Assembled in Arms to
insult His Majesty's ships in this River. The Object of my Con-
sideration was the Protection of the Fort; I therefore wish to receive
from You the Reasons why you thought the Spiking of the Guns a
necessary Step to prevent His Majesty's Ships from being insulted or
what other Motives You had for Your Ordering the Guns to be
spiked: This Request I make that I may be furnished with the
Proper Causes for such a Proceeding in Order to Transmit them to
His Majesty's Principal Secretary of State with my other Dispatches.

I am Sir &c

W^m TRYON.

To Cap^t Lobb

Commander of the *Viper* Sloop of War.

SIR

I received Your Excellency's Letter of the 23^d ins^t desiring me to
give Your Excellency my reasons for Ordering the Guns at Fort
Johnston to be spiked. Pursuant to Your Excellency's Letter of the
19th Ins^t signifying to me that as Fort Johnston had but one Officer
and five men in Garrison and of its standing in need of all the Assist-
ance the *Viper* and *Diligence* could give the Commanding Officer
there should any Insult be offered to His Majesty's Fort or Store and
likewise Your Excellency's Request to Repel Force with Force, I, on
an Information the same Evening from Lieut: Calder, Corroborated
by that of several other Gentlemen, that a Party of Men consisting
of three or four Hundred under the Command of Col^o Waddell were

on their March to Fort Johnston in Order to take Possession of it, as there was no Possibility of getting the Ship down, being Night and no Pilots to be had, early enough to prevent their making their Quarters good, sent Lieutenant Calder in a Boat with Your Excellency's Order address to Cap^t Dalrymple, commanding that He should comply with any Orders he should Receive from Myself or Cap^t Phipps, with one from me to Render the Cannon Unserviceable by spiking them up to the end of facilitating our Repossession as soon as the Ships could Arrive before it.

I am with Respect &c

JACOB LOBB.

Viper Sloop, Brunswick 24th February 1766.
To His Excellency Governor Tryon.

An Association signed by the Principal Gentlemen, Freeholders and Inhabitants of several Counties in this Province.

"NORTH CAROLINA

"We the Subscribers, Free and Natural-born Subjects of George the Third, true and Lawfull King of Great Britain and All its Dependencies, (whom God preserve) whose Sacred Person, Crown, and Dignity, We are ready and Willing, at the Expence of Our Lives and Fortunes to defend, being fully convinced of the Oppressive and Arbitrary Tendency of a late Act of Parliament, imposing Stamp Duties on the Inhabitants of this Province, and fundamentally subversive of the Liberties and Charters of North America; truly sensible of the inestimable Blessings of a free Constitution, gloriously handed down to Us by Our Brave Fore Fathers, detesting Rebellion yet preferring Death to Slavery, Do with all Loyalty to Our most Gracious Sovereign, with All deference to the Just Laws of Our Country, and with a proper and necessary Regard to Ourselves and Posterity, hereby mutually and Solemnly plight Our Faith and Honour that We Will at any Risque whatever, and whenever called upon. Unite, and truly and Faithfully Assist each other, to the best of Our Power, in Preventing entirely the Operation of the Stamp Act.

Witness Our Hands this 18th day of February 1766

VIPER SLOOP CAPE FEAR Feb^y 20 1766

SIR,

Not thinking it proper to detain the Sloop *Ruby* any longer, desire
You will deliver her to the proper Master M^r Homer for which this
shall be a sufficient Warrant.

I am Sir &c

(Copy)

JACOB LOBB.

To William Dry Esq^{re} }
Collector Port Brunswick }

BRUNSWICK 21st Feb^y 1766

I acknowledge to have received from William Dry Esq^{re} Collector
of the Port of Brunswick the Sloop *Ruby* and her Cargoe, detained
by him for want of Stampd Clearances and I hereby promise to
release the said William Dry and Jacob Lobb Esq^{rs} who seized the
said Sloop, all Damages and Costs occasioned by the Detainer of the
said Sloop and her Cargoe. Except such as may have happened by
the embezzlement or Loss of the Cargoe or Materials of the said
Sloop or any part thereof.

(Copy)

THOMAS HOMER

Witness

W^m WADDELL.

VIPER SLOOP CAPE FEAR. Feb^y 20th 1766

SIR

As there are perishable Commodities on Board the Sloop *Patience*
detained by me, you may if you think it consistent Your Duty
deliver up the same with the Vessel and Cargoe upon taking suffi-
cient security for them.

(Copy)

I am Sir &c

JACOB LOBB.

BRUNSWICK 21st Feb^y 1766.

I Acknowledge to have Received from William Dry Esq^r Collector
of the Port of Brunswick the Sloop *Patience* and her Cargoe
detained by him for want of Stampd Clearances, and I hereby Prom-
ise to release to the said William Dry and to Jacob Lobb Esq^{rs} who
seized the said Sloop all Damages and Costs occasioned by detaining
of the said Sloop and her Cargoe; Except such as may have hap-
pened by the Embezzlement or Loss of the Cargoe, or Materials of
the Said Sloop or any part thereof.

(Copy)

W^m WARD.

Witness

W^m WADDELL.

SIR

I beg leave to acquaint Your Excellency that by my Order on the 5th Instant there was a Demand for Provisions given to the Contractors Agent M^r William Dry, for the Use of the Compliment of Men on board His Majesty's Sloop under my Command, which Demand is not complied with, and I find by a Certificate from M^r Dry the Provisions were denied being brought to His Majesty's Sloop by the Inhabitants of Wilmington. I must beg leave to acquaint Your Excellency that there is no more bread on board than to serve the Sloops Company tomorrow, and do request Your Excellency's advice. Inclosed Your Excellency will receive a Copy-of M^r Dry's Certificate.

I am with Respect

Your Excellency's &c

JACOB LOBB.

Viper Sloop Cape Fear Feb^r 22^d 1766.

To His Excellency Gov^r Tryon.

Copy of the Contractor Agent His Certificate

These are to Certify that there was a Demand made to me by Captain Jacob Lobb of His Majesty's Sloop *Viper* for a Supply of Provisions for the said Sloop on the Fifth Instant, and that there was a Boat and Hands sent by me to Wilmington for the same, that the Men belonging to the Boat were taken up and put into Goal that the Inhabitants and People of the Province would not suffer any Provisions to be Shipt on board the Boat for the Use of His Majesty's Sloop.

WILLIAM DRY

Dated at Brunswick. February 21st 1766.

SIR

In answer to your Letter I can only observe, that as you have thought it expedient to Redress the Grievances which were the pretended Cause of the Town of Wilmington withholding the necessary Provisions for His Majesty's Sloops; I should imagine the Contractors Agent would meet with obstruction at present in obtaining the requisite supply. If the Provisions are not brought to the *Viper* to Morrow I desire you will inform me by a Line

(Copy)

I am Sir &c

WILLIAM TRYON.

Brunswick 22^d Feb^r 1766

To Cap^t Lobb.

I received your Excellency's Letter of the 22^d Instant signifying to me your Excellency's desire of being acquainted if the Provisions did not arrive the 23^d and in return beg leave to acquaint your Excellency they are not arrived.

(Copy)

I am &c

JACOB LOBB.

Viper Sloop Brunswick Feb^y 24th 1766

To His Excellency Governor Tryon.

SIR

As you acquaint me by your Letter of this Morning that the Provisions intended for His Majesty's Ships are not yet arrived, if you will direct the Contractor Agent to wait on me I will give him an Order to the Mayor of Wilmington for his Assistance in furnishing them as soon as possible.

(Copy)

I am Sir &c

WILLIAM TRYON

Brunswick 24th Feb^y 1766

To Cap^t Jacob Lobb

BRUNSWICK the 24th February 1766

MR MAYOR,

Capt Lobb having lodged a complaint with me dated the 22^d inst that the Contractor's boat with provisions for the use of his Majesty's ships was detained at Wilmington and the boat men put into goal by the inhabitants of that Town, I desire to know the proper causes for such conduct that I may transmit them to his Majesty. The *Viper* sloop is at present without bread. I do therefore require your assistance that the Contractor may be furnished with the necessary provisions as soon as possible

(Copy)

I am Sir &c

W^m TRYON

Moses John DeRosset, Esq.

WILMINGTON 28th February 1766

SIR,

Your Excellency's letter dated the 24th inst came to my hands yesterday noon, and after consulting the Aldermen upon the contents of it I find Capt Lobb has been misinformed in regard to the

contractor's boat with provisions for his Majesty's ship being stopt. I shall therefore take the liberty to relate to your Excellency the facts as they really happened.

Upon the gentlemen of the town and country round having received information that Capt Lobb had seized several vessels coming into this river for want of stamped papers notwithstanding their producing certificates from the several officers of the customs that no stamped papers were to be had at the port from whence they came, an agreement was entered into not to supply his Majesty's ships with any more provisions unless the particular restrictions on this Port were taken off, and in consequence of that agreement no person would supply the Contractor with any, so that your Excellency will find no provisions were on board the boat. As to the boatmen being put in goal it was done by the people who had collected themselves together to procure a redress of their grievances, and to prevent their going down, and not only they but every other person going to Brunswick was stopped.

Since the accommodation of matters with the Commanding Officers of the King's ships, your Excellency has no doubt been informed that a supply of provisions has been sent them, and your Excellency may be assured of the best endeavours of this Corporation to forward his Majesty's service. At the same time they can't help expressing their concern that your Excellency should on every occasion, lay the whole blame of every transaction relative to the opposition made to the Stamp Act on this Borough when it is so well known the whole country has been equally concerned in it.

I am further instructed by the Corporation to assure your Excellency that his Majesty has not a sett of more loyal subjects in any part of his dominions than the inhabitants of this borough.

I am with the greatest respect, Sir, &c

MOSES JNO DEROSSET

[FROM MS. RECORDS IN OFFICE OF THE SECRETARY OF STATE.]

COUNCIL JOURNALS.

At a Council held at Brunswick the 26^t day of February 1766

Present

His Excellency the Governor.

| | | | | | |
|------------|---|-------------------|----------------|---|----------|
| The Honble | { | John Rutherford | William Dry | } | Esquires |
| | | Lewis H. DeRosset | and | | |
| | | John Sampson | Benjamin Heron | | |

His Excellency the Governor communicated to this Board his letter to the Right Honble Henry Seymore Conway Esq. One of His Majestys Principal Secretarys of State on the Subject of the late Disturbances at Brunswick upon the seizure of the Sloops by Capt Lobb of his Majestys Sloop *Viper* together with the Coppies of several Letters and messages relative thereto, the same was unanimously approved of—Ordered a proclamation issue preventing Insurrections and Tumultuous Assemblys &c. In the following words

NORTH-CAROLINA

By His Excellency William Tryon Esquire

Whereas a few days since a great number of Armed persons did tumultuously Assemble themselves together both at Wilmington and Brunswick to the Disturbances of the peace and good government of this Province, and in violation of the Laws of their Country by which they have subjected themselves to the severest penalties incurred by the several Laws to prevent Riotous and Seditious meetings—I have therefore thought proper By and with the advice and consent of His Majestys Council to issue this Proclamation strictly charging and commanding all officers both civil and Military to exert their Authority in suppressing all such illegal proceedings, as they shall answer the Contrary at their Peril.

Given under my hand and the Great Seal &c at Brunswick 26th day of February 1766 &c

W^m TRYON.

His Excellency laid before this Board a letter printed in the N. Carolina Gazette by Andrew Stewart His Majestys printer for this

province, Dated Cross Creek, Jan^y 30 1766 containing such inflammatory Expressions That His Excellency declared his intentions of suspending him, And accordingly delivered his Letter for that purpose to the Secretary.

Then His Excellency proposed to this Board his desire of having the Assembly prorogued to a longer day, as he thinks it for the benefit of this province before they meet that he receive some instructions from His Majesty for his guidance in the present exigency of Affairs — To which this Board unanimously agreed.

Ordered a Proclamation issue to the following purpose.

By his Excell^y William Tryon Esq &c.

A Proclamation

Whereas the Assembly of this province stands prorogued to the 22^d day of April next I have thought proper by and with the advice of His Majestys Council further to prorogue the said Assembly until the 30th day of October 1766.

Given under my hand &c.

W^m TRYON.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Honorable Henry Seymore

Conway Esq

NORTH CAROLINA BRUNSWICK 3^d March 1766

The dispatches I had the honor to direct to you of the 25th of last month, I laid before his Majesty's Council as will be seen by the extract from the Council Journal. My proclamation of the 26th past I understand has given general satisfaction to the inhabitants concerned in the late disturbances from its moderation. As I had no power to redress their tumults, it was thought most expedient not to inflame grievances. The General Assembly I shall prorogue from time to time till I have the honor to receive his Majesty's further instructions. I find by the public papers that those Colonies who have held Assemblies in the present time have entered warmly into disputes relative to the Stamp Act, without doing any business for his Majesty's interest or the benefit of the Colonies. As I have therefore as yet had no disputes with the General Assembly, I esteem it

advisable to prevent as much as possible any breach in the Legislature, as by this caution, I think I shall be best able to support the honor and dignity of government, till I can be informed of the resolutions taken by his Majesty and his Parliament, to terminate the present disturbances in these provinces.

If it should ever be found necessary to send military force into this colony, the first week in October is the soonest they should arrive, if brought from a more northward country, Were they to land in the heat of the summer, this climate would be as fatal to them, as the climate of Pensacola has proved to the troops sent there. Capt Lobb has acquainted me he has received the 25th past twenty two days provision from the Contractor. I have inclosed a copy of the Mayor of Wilmingtons letter in answer to mine put up with the dispatches, of the 25th of February, directed to the Mayor. Captain Dalrymple has made his report to me that the cannon at Fort Johnston are almost all cleared of the spikes and that without any prejudice to the guns.

Mr. Randolph, Surveyor General of his Majesty's customs who is now with me on his return from Charles Town has at my request reinstated Mr Pennington in his office of Comptroller for this Port. I must beg leave to mention Capt Phipps to you, Sir who takes charge of these dispatches and to refer you to him for any further particulars relative to the disturbances here, he having been present and intimately acquainted with every step that was taken. The spirit and zeal he has shewn while on this station for his Majesty's service and the honor of his profession, does him great credit.

I have the honor to be &c

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Walter Stirling Esq, Commander &c
BRUNSWICK 3^d March 1766.

The favor of your letter of the 8th November last was delivered to me by Capt Phipps of the *Diligence* man of war by whom you sent the Stamp papers for this province. I have been as unsuccessfull as other governors in my recommendation of them to the inhabitants of this province. The late disturbances in this town occasioned

by the seizures Capt Lobb made of some sloops in this river has given me a good deal of trouble

I am &c^a

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Honorable Francis Fauquier, Esq.
BRUNSWICK the 3^d March 1766.

The Stamps for this province arrived in Cape Fear river in the *Diligence* man of war the 27th November last at the same time I received the favor of your letter of the 8th of the same month, delivered to me by Cap^t Phipps. My endeavors to promote the circulation of the Stamps have proved unsuccessfull; the particular insults which have been offered to government by the inhabitants of this part of the province, I will leave to Col^o Randolph to inform you of. I am very impatient to receive instructions from home for my guidance in the present exigency of affairs

I am &c

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to General Gage Commander in Chief of all his Majesty's forces in North Carolina

BRUNSWICK 3^d March 1766

I received agreeable to the favor of your intelligence of the 18th June last a deal box with a commission from his Royal Highness the Duke of Cumberland to make a collection of seeds and plants of this province: This commission I have executed but have since had the mortification to see an account of his Royal Highness' death. The deposition you sent me of the particular circumstances of the murder of Madame DeNoyer's husband I have proclaimed under the seal of the province with a reward of twenty pounds for the apprehending and convicting of either of the murderers.

The circulation of the Stamps have met with as general an obstruction in this province as in any on the continent. The particulars of

the late disturbances in this town occasioned by the seizures by Cap^t Lobb of his Majesty's sloop the *Viper* of some sloops which arrived with unstamped clearances and the insults offered to government on that occasion, I shall desire Cap^t Hamilton to acquaint you with

I have the honor to be &c.

[FROM MS. RECORDS IN OFFICE OF THE SECRETARY OF STATE.]

Letter from John Dyle to Col^l Edmon Fanning

Col^l Edmon Fanning whereas I have been active in publishing and Spreading a Certain piece of wrighting of a Scandelous & Defameing nature agains^t thee, for the Doing of which I am rely sorry. and beg thy pardon; and Since thee Commenc^d a Sute against me for it, I have been three times at or near thy house in order to make up with thee: but was prevented by thy being from home and had not bodily disorders prevented: I should have waited on thee at this time, in order to have give thee the best satisfaction I Could, but was taken very ill yester Day with a vomiting and purging and am yet very poorly now, therefore I have wrote to thee Earnestly begging thy forgiveness intending if God doth Inable me to behave better in the futer—giving under my hand this Seventeenth of march 1766

JOHN DYLE

present John Carter

[FROM THE RECORDS OF ROWAN COUNTY.]

22^d March 1766

NORTH CAROLINA

Salisbury, to Wit,

At a Superior court of Justice held for the district of Salisbury at the Court House in Salisbury on the 22^d day of March in the 5th year of the Reign of Our Sovereign Lord George the third &c, in the Year of our Lord 1766.

The Hon — James Hasell Esq, produced a Commission from his Excellency William Tryon Esq, Governor & Commander in Chief in and over his Majesty's province of North Carolina thereby con

stituting and appointing him the said James Hasell Chief Justice in & over our said province &c Dated the ---- day of ---- 1766. Which the said James Hasell Esq, qualified thereto according to Law, & took his seat of Justice, &c,

Court adjourned until Monday Morning 2 oclock.

Court met according to adjournment.

Present.

The Hon — James Hasell Esq,

Edmund Fanning Esq produced a Commission from his Excellency William Tryon Esq, Governor &c thereby constituting and appointing him assistant Judge of the Superior Court of Justice for the District of Salisbury to which Commission he qualified according to law, and thereby took his seat &c,

This day Col Edmund Fanning upon receiving & being qualified to his Commission as assistant Justice for the district of Salisbury has resigned his office as attorney General of this Court, His Honor the Chief Justice was pleased to appoint Mr William Hooper Attorney of this Court, attorney General in the room of Edmund Fanning resigned, who qualified according to law &c.

Court adjourned until tomorrow at 9 o'clock

Court met according to adjournment.

Present

The Hon — James Hasell Esq C. J. and Edmund Fanning Esq, A. J.

[N. C. LETTER BOOK S. P. G.]

Mr Earl to the Secretary. Extract

N. C. EDENTON 26th March 1766.

REVEREND SIR,

Since my letter to you of the 20th October I have baptized in this Parish 38 White Infants and 1 Adult, and administered the sacrament of the Lords Supper to 30 communicants — I have made three journies to Berkly Parish, and preached to four large congregations there, and baptized 60 Infants and 3 Adults — I should be glad the Society should be pleased to send me some Tracts that may

be effectual for the confutation of dissenters and Sceptics in general as that Parish abounds with such, especially those of the Quaker and Anabaptist kind; and some proper kinds of tracts distributed among the Parishioners would I hope be very prevalent for Exploding their Heterodox and Sceptical Tenets as their prejudices dont permit them to come to hear sermons preached by any orthodox minister.

I am &c

D. E.

[B. P. R. O. AM: & W. IND: VOL: 269.]

Letter from Secretary Conway to Governor Tryon

St JAMES'S 31st March 1766.

SIR

Herewith I have the pleasure of transmitting to you Copies of two Acts of Parliament just passed the first for securing the Dependency of the Colonies on the Mother Country the second for the repeal of the Act of last Session granting certain Stamp Duties in America and I expect shortly to send you a third for the Indemnity of such persons as have incurred the Penalties imposed by the Act just repealed as such a Bill is now depending and has made a considerable progress in the House of Commons.

The Moderation the Forbearance the unexampled Lenity and Tenderness of Parliament towards the Colonies which are so signally displayed in those Acts cannot but dispose the province committed to your care to that return of chearful Obedience to the Laws and legislative Authority of G. Britain and to those sentiments of respectful gratitude to the Mother Country which are the natural and I trust will be the certain effect of so much grace and condescension so remarkably manifested on the part of his Majesty and of the Parliament and the future happiness and prosperity of the Colonies will very much depend on the Testimonies they shall now give of these Dispositions

For as a dutiful and affectionate return to such peculiar proofs of indulgence and affection may now at this great Crisis be a means of fixing the mutual Interest and Inclinations of G. Britain and her Colonies on the most firm and solid foundation so it cannot but appear visible that the least coldness or unthankfulness the least murmuring or dissatisfaction on any ground whatever or former

heat or too much prevailing prejudice may fatally endanger that union and give the most severe and affecting blow to the future Interests of both Countries.

You will think it scarce possible I imagine that the paternal care of his Majesty for his Colonies or the Lenity and Indulgence of the Parliament should go farther than I have already mentioned. Yet so full of true magnanimity are the Sentiments of both and so free from the smallest colour of passion or prejudice that they seem disposed not only to forget those most unjustifiable marks of an undutiful disposition too frequent in the late Transactions of the Colonies and which for the honor of those Colonies it were to be wished had been more discountenanced and discouraged by those who had knowledge to conduct themselves otherwise.

A Revision of the late American Trade Laws is going to be the immediate Object of Parliament Nor will the late Transactions there however provoking prevent I dare say the full operation of that kind and indulgent disposition prevailing both in his Majesty and his Parliament to give to the Trade and Interests of America every relief which the true State of their circumstances demands or admits.

Nothing will tend more effectually to every conciliating purpose and there is nothing therefore I have it in command more earnestly to require of you than that you should exert yourself in recommending it strongly to the Assembly that full and ample compensation be made to those who from the madness of the people have suffered for their deference to Acts of the British Legislature and you will be particularly attentive that such persons be effectually secured from any farther insult And that as far as in you lies you will take care by your example and influence that they may be treated with that respect to their persons and that justice in regard to all their pretensions which their merits and their sufferings undoubtedly claim The resolutions of the House of Commons which by his Majesty's commands I transmit to you to be laid before the Assembly will shew you the sense of that House on those points And I am persuaded it will as it certainly ought be the Glory of that Assembly to adopt and imitate those sentiments of the British Parliament founded on the clearest principles of humanity and justice. I must mention one circumstance in particular which ought to recommend those unhappy people whom the outrage of the populace has driven from America to the affection of all that country which is that unprovoked by the injuries they had suffered to a for-

getfulness of what they owed to Truth and their Country they gave their Testimonies with knowledge and without passion or prejudice and those testimonies had I believe great weight in persuading the repeal of the Stamp Act.

Your Situation which has made you a Witness of the distraction of that Country will enable you to form the best judgment of the behaviour which your province ought to use upon this occasion and of the arguments which you ought to employ to enforce the necessity of such a behaviour as is suitable to their present circumstances

I am &c^a

H. S. CONWAY.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to the Lords Commissioners of the Treasury

BRUNSWICK 5th April 1766

I was honored with your Lordships Commands on the 25th of March last by the favor of M^r Lowndes's letter of the 14th September 1765 requiring me to give my assistance to the Distributor of the Stamps in the execution of his office. Some Stamps for this province arrived here from Virginia the 28th of November last in the *Diligence* Sloop of War; but as Mr Houston, Distributor of the Stamps, was obliged publickly to resign his office in the Court House of Wilmington on the 16th of the same month, a copy of which I enclose, I desired Capt Phipps to keep the Stamps on board the *Diligence*. They were lately removed into his Majesty's Sloop the *Viper*, Capt Lobb, Commander, the *Diligence* having sailed for England. My endeavors, my Lords, to promote the circulation of the Stamps in this province have been accompanied with my warmest zeal, as I flatter myself the letter I wrote on that subject to Mr Conway one of his Majesty's principal Secretaries of State will testify. The ill success that has attended this discharge of my duty, has given me real concern; since the riotous Assembly of men in Wilmington, and Brunswick on the 19th 20th and 21st of February last, there has been no disturbances in this province, the ports have never been shut and entries and clearances are made in the form that was practiced before the Stamp Act was appointed by Parliament to

take effect; I continue in my opinion that these Southern provinces will regulate their further obedience, and conduct, agreeable to the measures that are adopted by the more formidable Colonies to the northward

I am, My Lords, &c

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Samuel Wyley, Esq, at Charles Town

BRUNSWICK 5th April 1766

The original of the inclosed copy of a letter from the Lords Commissioners for Trade and Plantations I received the 14th March last, As this colony has provided no provincial funds applicable to the contingent services of government in general, I shall be under the necessity of applying to the General Assembly for the payment of the moiety of your charge, as recommended by their Lordships, I esteem it necessary you should furnish me with the particulars of your charges, the Journal of your survey together with the plan of the tract of land set out for the Catawba Indians in order that I may be able to lay them before the next General Assembly at the same time that I recommend the payment of the moiety of your demand

I am Sir &c

[B. P. R. O. AMERICA & W. INDIES. VOL. 269.]

Letter from Governor Tryon to M^r Stewart

NORTH CAROLINA BRUNSWICK April 9th 1766

I am to acknowledge the favour of your letter of the 5th of February, together with the result of a meeting held at Fort Prince George the 20th October 1765.

It was not in my power to send Commissioners to join M^r Cameron in running the Line relative to this Province described in the Indian Agreement. I have received no instructions from home for running any Line from South to North Westward of this Province;

and as this Colony has not provided a fund to answer the contingent services of Government in general, I could not take such a step without an Order from His Majesty, or the consent of the Legislature here.

No complaints have been brought to me, since my administration, of encroachments made by any Inhabitant of this Province on the Cherokees Tract of Land surveyed by M^r Wylie, agreeable to the orders he received from the several Governors assembled at the Congress held at Augusta 1763.

In virtue of some instructions I brought from England I sent home my sentiments of what I conceived would be a proper final boundary Line between North & South Carolina.

If I could hope at any time to have the pleasure of your company at Brunswick, which would give me great satisfaction, I should be glad to converse with you on the above subject.

It is as much my inclination as I esteem it my duty, to co-operate with you in every measure, that will tend to the Establishment of a solid peace between His Majesty's Subjects and the Indians.

Accept my thanks for your compliment of congratulation and good wishes, and

believe me to be, &c

W^m TRYON.

[B. P. R. O. No. CAROLINA. B. T. VOL. 15.]

Letter to the Board of Trade

ADMTY OFFICE 21st April 1766

Having communicated to my Lords Commissioners of the Admiralty your Letter of the 21st October last, relative to a Duel that was fought between Lieut. Whitehurst and M^r Simpson, two Officers of the Navy, in which the former was killed, I am to acquaint you, that the Navy Board having been made acquainted therewith, in order to their taking such Notice of M^r Simpson's behaviour as the nature of the Case required, They have reported, that after the 24th June 1765 (which is the date of Lieut. Governor Tryon's Letter upon this Subject,) M^r Simpson being recovered of the wounds he received in the Duel, voluntarily returned and surrender'd himself to the Governor, and in October following was tried and acquitted of the charge.

I am Sir &c

PHL: STEPHENS.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 14. E. 96.]

Letter from Dr Houston (Stamp Agent) to Governor Tryon

SORACTE 21st April 1766

May it please your Excellency

SIR

Before this comes to hand you will be partly informed of the Transactions at Wilmington on Tuesday the 15th inst.

I make bold to acquaint you of a part which is to be depended upon, that the Sons of Liberty never got into their hands 'Tis a letter from M^r Brettel Secretary to the Commissioners dated from the Stamp Office Lincolns Inn London 13th of September 1765. which is in my Possession what was took from me was the packet containing my Commission and my Deputation Instructions with a Bond ready filled up to be executed before your Excellency. In Obedience to which I should have done myself the honor to have waited on your Excellency and as affairs stand at present its impossible for me to comply by the Information the Letter gives; Those Ships are not yet arrived on Board of which the Stamps are for this Province under my care and when they arrive can I possibly take possession untill the people are convinced when that is I am ready on notice But for me who by the nature of my Commission am hated, abhor'd and detested. No friend to consult or assist, Even those that would or could have not courage to do, is a great Hardship and well may I say with Ovid "*Nullus ad amissas ibit amicos opes*" As on the other hand it doth take place I may prophesy the other verse "*Donec eris multos Numerabis Amicos*" I beg and hope your Excellency will not expose this letter but after perusal commit it to the Flames. Necessity which makes me open my want of a Friendly advice I think M^r John Moses De Rosset would not refuse your Excellency a Copy of a Bond, Instructions and Commission which is lodged in his hands I most humbly desire your Excellencys Pardon for writing to you in this manner my only hope is your Excellencys Generous and Humane Disposition for unfortunate Persons, of which I am one, being much cast down by the usage I have received that I hardly know what I do.

Having Experienced the Mode of Base Persons in this Part of the World detaining of Letters and even destroying them makes me

send this by my son William who is going to Philadelphia with a small venture of his Own

I am with the greatest duty &c

W^m HOUSTON

P. S. No Gilt Paper or I would have wrote upon it.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Secretary Conway

BRUNSWICK, 28th April 1766.

I had the honor to receive the duplicate only of your letter dated St James the 24th October 1765 which came by way of Virginia and was delivered to me the 25th of last month. I have shewn it to the gentlemen of his Majesty's Council in this part of the province, and to such other persons as I thought would make a proper and prudent use of the contents. The inhabitants of this colony have made no disturbances since their assembling themselves in Arms at Brunswick in February last the particulars of which I had the honor to send you by Capt Phipps.

Mr Hasell whom I appointed Chief Justice, during pleasure, in the room of the late Chief Justice Berry, has conducted himself with great prudence, in the Circuit of the three Superior Courts of Justice he has lately held, Vid^t, at Halifax, Salisbury, and Wilmington. He informed me he has done no business but Crown cases, and that he declined entering upon the causes on the Civil Dockets. He assured me of his determination to pursue the same conduct at the Superior Courts to be held at Newbern and Edenton in next month. He also assured me of the continuance of his best endeavors to recommend and support peace and good order in this government. His moderate and steady behaviour greatly recommended him to my esteem. I know of no person in the province at this juncture, so capable to conduct that office, with the same dignity and decorum as himself. He found in his circuit the inhabitants in the back counties quiet, but not one advocate for the stamp duty and scarce any specie circulating among them.

The several ports in this province continue open, and all vessels cleared out without stamp papers. The Stamps were removed on board the *Viper* Sloop now lying off Fort Johnston, on the *Diligence* sailing last month for England. I have suspended Mr Maurice

Moore from the Office of Assistant Judge for the district of Salisbury for his intemperate zeal and conduct in opposition to the Stamp Act. He is a leading man in this river, tho' he enjoys no great share of popularity in other parts of this province. The commission of Assistant Judge I have given to Mr Edmund Fanning during pleasure. He is an active spirited young man, of good character and abilities in the law. The sentiments of the generality of the inhabitants are that the Stamp Act will be repealed or suspended, and by what I can learn they seem inclined to be guided by the determination of the colonies to the northward and to adopt and pursue the same measures with them.

I hope, Sir, in the delicacy of these times my conduct has not greatly erred from the spirit and humanity of his Majesty's instructions communicated to me in your letter. I shall pursue the measures I find most expedient as circumstances arise and shall esteem myself happy if I can persuade the inhabitants into a generous confidence in the justice of the mother country and of his Majesty's benevolent attention towards all his people.

I am with the most perfect esteem &c^a

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to the Board of Trade

BRUNSWICK 30th April 1766.

The first of February was the date of the last letter I had the honor to send to your Lordships board. As the occurrences since that period in this province, have been of a turbulent and extraordinary nature, I sent the particulars of them to Mr Conway one of his Majesty's principal Secretaries of State. The inhabitants have remained quiet since they assembled themselves in arms at Brunswick in February last upon the pretence of redressing grievances, on account of some sloops, Capt Lobb of his Majesty's sloop the *Viper* had seized.

I have the satisfaction to inform your Lordships, Mr James Hasell, whom I appointed Chief Justice in the room of Mr Berry deceased, has conducted himself with particular prudence and discretion in his attendance at the Superior Courts of Halifax, Salisbury and Wilmington, a Circuit of seven hundred miles. No causes but those

of the Crown have been tried either in the superior or inferior Courts of Judicature since the first of November. The causes upon the civil dockets are at present very numerous. The Chief Justice told me there were on the civil docket at Halifax Superior Court near one thousand suits depending. Mr Hasell left me last week, to proceed to the Superior Courts of Newbern and Edenton to be held next month. His journey to those two Circuits including his return will be upwards of four hundred miles; this makes the Circuit of the five Superior Courts eleven hundred miles; and as these Courts are held twice a year each, an attendance on the whole would be two thousand two hundred miles annually. By an Act of Assembly an assistant Judge is appointed for the district of Salisbury (on account of the great distance it lays from the other Courts) with a salary of two hundred pounds Proclamation money per annum. This provision saves the Chief Justice six hundred miles in his circuit, but in the present critical times, Mr Hasell was solicitous to be present himself at all the Courts: His appearance was necessary; he preserved peace, and good order at the three first Courts, and I have no reason but to believe he will be able to do the same at Newbern and Edenton: His moderate and prudent conduct has recommended him much to my regard and esteem.

I am to acquaint your Lordship I have suspended Mr Maurice Moore from the office of Assistant Judge for the district of Salisbury for his intemperate zeal and behaviour in his opposition to the Act of Parliament imposing Stamp duties in America.

I have appointed Mr. Edmund Fanning Assistant Judge for the above district. He is an active spirited man, of good character, and ability in the law; His commission is dated the 7th of March last.

Mr. Hasell informed me there was but very little specie circulating in the back counties: there is scarcely any in the maritime parts of the colony.

Lumber a considerable staple in this port, exported to the West Indies is returned in sugars, rum and molasses, tar turpentine and pitch is purchased by Bills of Exchange or returned for goods imported; and if a ship brings in dollars to purchase a cargo, (a circumstance very uncommon) the merchant does not suffer it to circulate in the province but either sends it to a foreign market, or remits it to Great Britain; Of the lumber exported, plank and scantling are sawed in the mills, There are but few of these in the province, but what are on the creeks on the north east, and north west

branches of Cape Fear River: On these creeks, there are fifty saw mills now in repair and more building, each with two saws; These mills will saw upon a medium two hundred thousand feet apiece per annum. I sent some pine plank that was sawed by hand (being of too great a length for the carriages of the mills, the carriages not exceeding thirty feet) to Mr. Hughes Commissioner of the dock yard at Portsmouth. The inclosed is his answer. I have heard nothing since on the subject. I enclose your Lordships the minutes of the Council since I have been in the administration of this government.

The General Assembly I have prorogued to the 30th of October next; in Council this was thought the best expedient, as the country was not esteemed in a temper to do business in a manner that was likely either to be agreeable to his Majesty, or beneficial to the colony; This prorogation will also give time for the information of the positive and determined resolutions of the British Legislature, on the subject of the disturbances of the colonies; If the inhabitants should be so weak, in the vain imagination of their strength as to make their case desperate two of his Majesty's sloops with their full complement of men, and two tenders with 30 or 35 men in each would be sufficient in my estimation to give law to the commercial interest of this government. The sloops to remain chiefly in Cape Fear river and the tenders to cruize from Oeacock Bar, thro' the sounds and up the rivers that lead to Bath, Newbern and Edenton. Two companies of regulars under these circumstances might be thought requisite to secure his Majesty's stores and artillery at Fort Johnston; I am of opinion that North Carolina station should not at any time be without one sloop and two tenders towards the protection of the commerce and the improvement of his majesty's revenues by curbing illicit trade The several ports in this province continue open and clearances are made out by his Majesty's officers of the customs without Stamp Papers.

I have the honor to be &c. .

P. S.—The original of the inclosed copy of a letter from Mr. Houston came to my hands after the foregoing dispatches were wrote It was the first authentic account I received of his commission being lodged in the hands of M^r Moses De Rosset Mayor of Wilmington.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to the Board of Trade.

BRUNSWICK the 30th April 1766.

I had the honor to receive since Governor Dobbs death the following dispatches from your Lordships Board, Viz^t

A letter of Mr Pownall of the 7th December 1764 with the order of his Majesty's Council of the 20th July 1764 inclosed, repealing an Act passed in this province in 1762, "Entitled an Act appointing the method of distributing Intestates estates." Also another letter from Mr Pownall of the same date with a "Copy of a minute made by the Treasury Board on the 28th of November 1764 in relation to public expences which may be incurred by any Commander in Chief or Governor."

A Letter from your Lordships dated the 23^d August 1765 informing me of your being appointed his Majesty's Commissioners to the Board of Trade and Plantations

Another letter of your Lordships dated the 2^d September 1764 containing directions &c to his Majesty's Governors to reserve sufficient tracts of lands for the use of his Majestys forts

Also another letter from your Lordships dated the 12th September 1765 with a copy of a letter inclosed from the Earl of Halifax to your Lordships board of the 20th June 1765, relative to the demand made by Mr Wyley, for surveying the Catawba lands.

I have wrote to Mr Wyley to desire he will send me the Journal and the particulars of his expences for the survey of the Catawba tract in order to lay them in his Majesty's name before the next General Assembly as there is no public fund appropriated and applicable to contingent services of this government in general.

Fort Johnston is the only fort in this province. Fort Granville was never finished and what was done to it is now in ruins. Fort Dobbs in Rowan County is likewise neglected and in ruins, if this last fort had been kept up it could not have been of further service against the Indians as the inhabitants of this province have since the last war extended their settlements upwards of seventy miles to the westward of the fort.

I am with all possible respect

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Superintendent Stewart

BRUNSWICK the 5th May 1766.

I last Saturday received the favour of your Letter of the 22nd & 24th of April with his Majesty's Instructions to his Governors published in 1763.

As my short residence in this Country and severe sickness has not given me an opportunity of informing myself so perfectly as I wish to be of the Settlements to the Westward of this Province I cannot at present give M^r Cameron Directions to survey the Line the Indians wish to have run as described in their Talk I can find Nobody that knows where Dewises Corner lies.

I shall lay your Correspondence before his Majesty's Council so soon as I can receive some particular Informations I have sent for from the Back settlements I shall then be able to hope to answer satisfactorily the different subjects contained in your Letters.

You give me pleasure in acquainting me I may have the pleasure of seeing you at Brunswick I wish to experience that satisfaction very soon

I am Sir &c

W^m TRYON.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Benjamin Barons, Esq,

BRUNSWICK 3^d May 1766.

I received your letter of the 6th of last month. This contained the first information communicated to me of your proposals to the gentlemen at Wilmington. These gentlemen have paid so little attention to the conveniency I might receive from the express that the messenger has called but once at Brunswick for any dispatches I might have to send on his Majesty's service. The late conduct of the gentlemen at Wilmington affords me at present no reasonable hopes of succeeding in any recommendations I may lay before them. The whole of my subscription to the Wilmington Express

amounts only to £10 proclam. money. If you can carry your proposition into execution: I will cheerfully subscribe fifty pounds this currency and also pay the full postage of my letters for an express from your office once a fortnight for four months certain from Brunswick to Charles Town; being thoroughly sensible of the great necessity and propriety of such a channel for government correspondence. I hope I have not subjected myself to the penalty of any act of the British legislature or that my conduct will appear at home to have in any ways tended to impede his Majesty's intentions of establishing a General Post thro' this continent untill you had opened the General Post office, and it could not be considered as open, before letters were conveyed by it. I should have been obliged occasionally to have hired an express to send my public letters to South Carolina, must I in this case have sent to Mr Barons for leave to send my dispatches to his Majesty's Packet for Charles-town? I in like manner considered the Wilmington messenger, as a temporary and beneficial expedient, and by no means calculated or intended to prejudice the General Post Office. The subscription will, from the principles of its formation, drop, the moment the General Post office is opened. Mr Palmer or any others concerned in carrying of letters thro' this province last summer are not entitled to any part of the £133. 6. 8. Proc. money voted in May 1765 by resolve of the Legislature, for the support of the General Post office. That Resolve stipulates the application of the above sum, to be under the direction of the Post Master General. Mr Palmer must depend on a special Resolve of the General Assembly for his reimbursement; As you inform me you expect soon to embark for England with your family, I shall continue to trouble the Governor of South Carolina with my dispatches, but as they will as long as you stay in Charles Town pass thro' your office, I accept with thanks your offer, of care of them, also for those that may arrive for me. I wish you and family a safe passage home.

I am &c

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Governor Bull of South Carolina

BRUNSWICK 5th May 1766

I desire the favor of you to send the enclosed public dispatches by his Majesty's packet boat which M^r Barons informs me was expected into Charles Town last week

We are quiet here at present No business is done in the Courts of judicature but Crown Causes. He must have a wicked heart indeed that does not wish to see a happy issue to the distracted situation of public affairs on this Continent

I am Sir with much regard &c^a

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to the Board of Trade.

BRUNSWICK 6th May 1766

It is my duty to acquaint your Lordships that Col^o Thomas Lloyd whom I recommended as a gentleman qualified to serve in his Majesty's Council was one of the leaders in the late illegal assemblys at Brunswick. I must however do him the justice to let your Lordships know he waited on me soon after, and acknowledged his remorse for having been drawn in to join with that assembly, and expressed his error with the decency of a man of spirit and of a gentleman. He did not appear with the men that invested my house, or could I find he in any ways promoted or approved of the impositions laid on the Officers of the Customs, by compelling them to take an oath not to receive the Stamps, 'till they are generally accepted, He is the only person that has made me any personal apology My sentiments towards him are generous however I must submit the propriety of his whole conduct to your Lordships

I have the honor to be &c^a

[B. P. R. O. A. & W. I. VOL. 269.]

Extract of a letter from Ensign George Price dated at Fort Prince George 7th May 1766.

My last was dated 27th April, and I sent it by the way of Augusta, since that time every Trader's mouth, that I have seen from the Overhills has been filled with nothing but stories of the insolence of the indians.

George Parks and one Bowie arrived here the 3rd and 4th and they both agree in their accounts that the great Warrior was near killing one M^r Savage, a brother of John Savage Esq^{re}, at Ninety Six; that the rogue Mankiller of Settles was prevented from killing another Person, that they met a party of Cherokees and Creeks as they were coming down, going to Chote, with a white man's scalp tied to a war club but that it was the opinion of everyone, that Boyd of Virginia, the gentleman mentioned in my last, passed by safe; the Traders all of them seem to think the Cherokees would have murdered every man of them at one time this spring, if the Norwards had not fallen on them when they did, & must inform you that the Cherokees accuse us of having set them on. I wrote yesterday to the great Warrior to come down, that if the Creeks intend doing any mischief, I may get it out of him, as I am told there are constantly Messengers going between him & the Mortar and that the Creeks are pouring very fast into this Nation.

[B. P. R. O. A. & W. I. VOL. 269.]

FORT PRINCE GEORGE 10th May 1766.

SIR,

Agreeable to your Instructions to me, I set out the 21st ultimo, to see the Cherokee boundary line surveyed, I was accompanied by the Prince of Chote, Jud's Friend, Tiptoe Emy and the Wolf, with thirty young men, and we arrived at Dewis's Corner on the 24th following.

M^r Wilkinson was appointed Commissioner by the Governor and Council, to see the line run, and M^r Pickens, the Surveyor, attended us. We began the line at Dewis's Corner and proceeded southwest 50 miles to Savannah River, the Indians blazed the Trees as we went, and made the Boundary very clear and strong as they term it.

I could not learn that we took in any land, that had been surveyed by any white man before, but there is one Atkins, settled

within four miles of the Line, near to Savannah. The distance from Dewis's Corner to the River (as near as we could make it) is 27 miles; The course of the Line, from Dewis's Corner to Reedy River where the Line terminates, is N. E. 50 miles[?] and the distance 18 miles. About Saludy there are several houses within four miles of the Line, and one House within one mile of it.

On the North Carolina side of Reedy River there are three or four families settled: and even if the Indian boundary be run a north course, these settlements will fall five or six miles above it.

One William Turner on Saludy, below Ninety six, has settled a Cowpen and Plantation on the above Indian Lands, altho' he very well knew, that, Mr Wilkinson by Governor Bull's order, removed a settlement off the same tract of Land last year. I have sent a warning to remove without loss of time, otherwise I should take upon me to drive them off, & distribute part of their cattle among the Indians as a Tax belonging to them, &c.

The Cherokees propose running the line from where it terminated a straight course, to Colonel Chiswell's Mines, which I believe will be north, as nigh as I could make it; They say, that it must be very evident, that as they have given all their claims of Lands in Virginia, below Chiswell's Mines, and in South Carolina, below Dewis's Corner, that a straight line, from Reedy River to the Mines, must consequently cut off a great deal of their land in North Carolina; that part of their Hunting Ground lies 40 miles eastward of where they now nominate their boundary; but they do not love disputing with the White People concerning a trifle, therefore they made them a present of it.

It would be very necessary that a Surveyor should first *sight* the Line, from Reedy River a north course, in order to know where it will terminate in Virginia, and whether or not, it will take away any of the settlements.

Your Express, George Redd, arrived at Dewis's Corner the 6th inst. as we returned from marking the Line; I read to the Indians what part of your Dispatches concerned them, for which they return you their thanks; they likewise return you thanks, for your trouble and assiduity, in having their Boundary Line fixed, as they are very sensible, it is of great importance to them, they were however chagrined, that Governor Bull had sent no presents, for the Lands they ceded to the Province of South Carolina; and more especially, as they were a poor People, & prevented from Hunting, by the numer-

ous parties of their enemies, that lurk continually about them. Inclosed you have a Talk from the head beloved Man *Kittagusta* dictated to him, by many men & warriors of his Nation. I inclose you likewise, an instrument, certifying their being present, as well as myself, at the surveying of the division Line of South Carolina as already mentioned.

I have distributed most part of the Ammunition among the Indians, for their Defence, as well as the greatest part of the other presents you have sent them.

I would be glad that you would renew the Indian Commissions which I conveyed to you, and send them, with the Medals, by the first opportunity, as they are at present much wanted to be given, as a memorial of our Friendship toward the Cherokees which the Creeks endeavour to depreciate, as much as possible. One dozen Medals is the least that is necessary for them, and if you think proper to be distributed as follows, to *Ononmastotah*, *Kittagusta*, *Attacullahcedlah*, *Willmianwah*, *Otassatch*, of the Overhills; *Moitoy*, of the Valley; the *Mankiller* of Miccassie who now lives in little Ohotch, to the southward of the Valley, *Tiptoe*, *Emy*, Saludy and the Wolf lower Towns, and Tugooloo.

In my letter of the 2^d of April, I informed you that Emy, or the old warrior of Estatoe, was ready to set out to war against the Norwards, with a party of Cherokees and twenty Creeks; upon their march on the frontier of North Carolina, they met two white Beaver Hunters, and it was with great difficulty Emy prevented the Creeks from Hatcheting them: but after a strong and long talk from him to the Creek Head Man (the Buck) he prevailed upon them to return the white men their Guns, which they had taken from them; Emy told them that he would proceed no further with them, as they determined to bring him into a scrape: and that he could not be present at shedding the blood of any of his Brothers the English; he instantly returned home and the Creeks followed.

Mr Price and I shook hands with and thanked Emy, at a Public Meeting for his behaviour, and made him small presents: I however explained to him that he did no more than his duty, for his own Interest, and the good of all his Nation.

Tiptoe had pretty good success in his expedition: he routed the enemy in two different engagements, he brought home 3 scalps, skulls and all, in the first skirmish, the *Seed of Settico* was wounded, of which he died in six nights after; Tiptoe relates that when he

received his wounds, he told them he should die in six nights and desired they would not think it troublesome to carry him so long. On their arrival in Camp, after the sixth days march, the *Seed* told them he was now going to die, that he was a man and warrior, that he did not die like a woman, in bed, that he died in war, but, said he, you must not bury me under the ground, to be smothered, tye me up with vines to a pretty high tree, where the enemy cannot find my scalp, but I can see them when they are going to war against you, and if I can do no more, I shall bring you intelligence thereof; One more of the party was killed & three wounded, one of which died since.

The Cherokees were surprised in Camp, and most of them ran away; but upon Tiptoe's animating them by a strong and bold speech, throwing off all his cloaths, & Killing the Head Warrior on the first onset his party rallied and beat off the enemy.

Mr Taylor writes me from over the Hills that the rogue Mankiller, and his Brother Trennilitah are employed as Ambassadors between the Mortar of the Creeks, and Onomastotah; and that the Mortar engages to reinforce the Cherokees with 700 on one days warning, provided they will go to Virginia and fall on the back settlements &c.

The following is an extract of a letter from Mr Alexander Boyd of Virginia, to me, dated Tenassie 2^d April 1766.

"The Great Warrior & Attacullabiculla, want to see the Great King, and seem extremely desirous to embark from Virginia, and were they to solicit our Governor and Council for leave (as they seem inclined to do) they would undoubtedly obtain it, adding their Agents and your concurrence thereto; for there are none of the murderers, that killed a party of their People, yet apprehended, neither can they without imminent danger, for the whole body of Crackers, to a man, have unanimously declared, publicly, that they will espouse their cause at the expense of their lives, so that Proclamations and great rewards answer no purpose. And should these head men be allowed to take a voyage, the expence of conducting them to, and from England, would not exceed the premiums offered for bringing the other villains to justice. Our Colony is now about building and fixing a large store at the great Island on Houlston, for carrying on an extensive Trade and supplying them on the most reasonable terms possible; and at their request to our Governor and Council, they design to make overtures of peace, to the northern Tribes, in their behalf; which, if they can effect, great influence

will be used with those living on the Ohio, to bring their commodities also to this grand Magazine, and be supplied with clothing &c. All this is possible but I fear their views are too sanguine.

"I have been interrogated by several of the Warriors, why the Governor and his beloved men, did not catch the rogues, and hang them that killed their People; and indeed of late, rumours prevailed here of some of the disaffected having been busy sowing bad talks among them, and they are threatening revenge for their losses; therefore, your presence here is much wished for."

We had accounts some time ago that M^r Boyd was killed, going into Virginia, but I am glad to understand that our information was groundless.

Numerous are the fearful & dreadful stories, the Traders report of the Cherokees, and the continual attempts of the Creeks upon them, to alienate their minds from us, and sow the seed of contention among us, if possible, but I am not afraid of settling everything in its proper channel, & making all straight.

I must observe to you, that should the great Warrior and Attacullahculla be allowed to go to England from Virginia, and pay his passage backward and forward, it would never be a sufficient acknowledgement to the relations of the Indians that had been murdered, but if the perpetrators of the murder cannot by any means be brought to justice, then they must send large presents for the Relations of the murdered and endeavour to make up matters that way; I am informed the whole Body of them intend to pay me a visit on my arrival as I had been all along promising them satisfaction, I am upon my word affraid of them, but I hope to be able to waive the affair still longer.

I think Sir, it lies with you, to send home the great Warrior, and little Carpenter, as it would be of the greatest service to the Public, I do not in the least doubt but they will be sent home from Virginia, (unless you will suppress them) as I am convinced the Carpenter will leave no stone unturned to effect it.

In an engagement between the Northwards and the Hunting Party of Cherokees down the Tenassie, four of the former were killed, and three of the latter, and several wounded on both sides; the Cherokees threw themselves into a Block House (made by the Carpenter last Winter for his own defence) which prevented their being mostly cut off, as the enemy were much superior in number.

A few days after, a Norward Indian came close to the Island Town and snapt his gun three times at a Cherokee Indian that was cutting of wood, the former ran up to the Cherokee with his Tomahawk and made a stroke at him which the latter partly parried, they grasped each other but the Norward oversett his antagonist, upon which the Cherokee called out, and a wench, that was nigh to them, ran to her friend's assistance oversett the Norward in his turn, tied him neck and heels and brought him in. His trial soon came on and Attacullabeculla who was Chief Justice, ordered him to be burnt after cutting off some of his Members, which orders were soon executed, the fellow behaved with great undauntedness, and smiled at his torture.

On the 21st ult. Old Welsh, daughter (whom Mr Wilkinson keeps) & grand child were going to Tugooloo, and were met by six Norward Indians; Welsh had his grandchild in his arms, and his daughter coming behind he shook hands with the Indians, & asked what Country, but he finding them seizing of him, and making up to his daughter, knew they were enemy, and called to her to make her escape: upon which, she turned her horse about and gave him the whip, the enemy flung two spears at her, and wounded her in the side, and arm; Welch, and Wilkinson's child, were both killed, and their brains knocked out with a war club, which was left by them with shame signs upon it; No Trader will venture into this Nation, if the enemy are permitted to kill white People, as well as red.

Mr Wilkinson notwithstanding his good economy, expended to the amount of £600 currency in making small presents to the Indians, and supplying them with provision, altho' I bore a part of the expence, I am however well convinced, that no man in the Province of South Carolina, could have done it at so little expence.

The Traders with one voice join and request, that you would apply to Sir William Johnson in order to suppress the insolence of the Norward Indians, contrary to the last treaty of Peace; the consequence of that breach of theirs will be, that the Cherokees will follow their example, & knock up as many of their Traders as they can, which they already begin to insinuate.

His Highness the Prince shakes hands with you, and begs that you'll send up an Union Flag to be displayed on particular occasions, in the head beloved Town of Chotch Ottassatch as Jud's Friend, holds you fast also, and desires, that you would give a strong talk, to Henry Young at the Forks of Edisto, concerning three Negroes of his, who were taken in the time of war by some of the

Cherokees, who were going with them to the French in order to sell them; when Jud's Friend spoke, and said, that altho' they were at war with the English at present, they would have a peace with them by and by and that he would not suffer the Negroes to be sold to the French, that he himself would purchase them, and give him 300^{lbs} of leather for them; they were afterwards sent down here, and the Jud left it to his own generosity what to give, but he never had a farthings worth, a couple of cows would satisfy them.

I am Sir &c

ALEX^r CAMERON.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 23.]

Letter from Superintendent Stewart to Governor Tryon

CHARLES TOWN 28th May 1766.

I am now to acknowledge the Receipt of your Excellency's Letter of the 5th Current since the Receipt of which a Talk from the Cherokee Nation of which the inclosed is a Copy came by the return of an Express which I had sent into that Country by it your Excellency will see how seriously those Indians think of ascertaining the Line to divide your Province from their hunting Grounds and the disagreeable Consequences that probably will attend delaying to satisfy them in demands which appear to me very reasonable and just the inclosed contract of M^r Cameron's Letter which accompanied their Talk will point out the Course of the Line already run between this Province and where it terminates upon Reedy River which falls into Saludy from which place they propose continuing it in a straight Course to Coll^o Chiswell's Mines upon the great Kanawa or New River, the Indians have so marked the Trees that the Line must easily be found. M^r Cameron at my desire diverted the Indians from running the Line behind your Province till the month of September next after which time it will be extremely difficult to keep them in order without some steps be taken in this matter.

The present state of Indian affairs in this Department requires attention The Confederate Nations of Abekas Tollipusses Alibamons & Cowetas known to the English by the name of Creeks have of late years greatly increased in number they have not suffered by the incursions of the Northern Tribes against whom the Cherokees and Chickasaws serve as a Barrier and no War has subsisted between

them and any Tribe within this Department for many years Before the evacuation of the Floridas & Louisiana by the French and Spaniards the Creeks were equally contiguous to the French Spanish and British Settlements by which three great Nations their Friendship was equally Solicited and coveted This competition naturally raised in the Savages very high ideas of their own Importance and altho' by the removal of the two first the competition has subsided and they are become in a much greater degree dependant on us for supplies of European commodities yet that jealousy on account of their Lands and independency which was deeply impressed on their Minds by the insinuations of the French is not effaced and they continue very insolent and uneasy whatever enmity or misunderstanding may subsist amongst the Indian Nations yet they all think themselves concerned in every encroachment on or injustice done any Tribe by us. The complaints of the Cherokees on account of their hunting grounds and the murder of their people in Virginia have been echoed through all the Nations The Creeks Talk of them in high Terms and quote them as incontestible Proofs of our bad intentions and Mortar Warrior who hears the young restless and turbulent part of his nation has been very busy in stirring up the Cherokees to take Revenge Offering to support them with 700 Men immediately and it was with the utmost difficulty that some Creeks who with a party of Cherokees pursued the Northern Enemy were very lately hindered by the latter from killing some White Men of your Province who they met hunting and within these twelve months several murders have been committed by them in Georgia West Florida and near the Cherokee Nation. They have of late been sounding the inclinations of our new Allies the Choctaws and small nations on the Mississippi to a general rupture they attempted to seduce the Chickasaws and are now endeavouring to inflame the minds of the Cherokees I am not without hope however that their bad intentions may be defeated by removing all cause of just complaint from and rendering justice as far as in Our power to the Latter.

A Rupture with the Creeks and Cherokees would soon become general the unfavorable impressions left by the French on the minds of our new Allies not being as yet entirely effaced and those two nations consist of no less than 6 or 7000 fighting Men a formidable Body and in their way of making war capable of doing a great deal of mischief compact and contiguous as they are to our Province.

I take the Liberty of troubling your Excellency with a view of Indian Affairs from a possibility of its being acceptable at a time when settling the Boundaries is agitated.

As the arrival of Lord Charles Montague is hourly expected I wish to be in the way when that happens as I may possibly receive some instructions from the Ministry relative to these and such other matters as I long ago submitted to their consideration I afterwards propose myself the honour of waiting on you at Brunswick I most sincerely wish your Excellency better health and have the honour of being respectively

Sir &c^a

[B. P. R. O. AM. & W. I. VOL. 269.]

Letter from Alex^r Cameron, Deputy &c, to Superintendent Stuart

ToQUCH 1st June 1766

I arrived here on the 25th ult: and notwithstanding the dreadful & alarming information the Traders reported of the Indians, I found them in very good humor and their Talks very straight. •

I upbraided them with the murder of poor Mr Boyd (who is without doubt killed with one Fields and Burk) but the Cherokees firmly deny to a man their having any hand in it, I am not however without some suspicion of them, from the many insinuations they dropt at different times in my hearing of the grudge they bore the Virginians in general since the murder of their friends in that Country.

I demanded a party of the Cherokees from their Chiefs, to go as far as Broad River, where Mr Boyd's horses were found, in order to search for his bones that they might be buried, they readily granted my request, but the many tracks of the enemy that they met with frightened them back.

They absolutely deny giving any encouragement to the Creeks in regard to their falling on the White People, and desire that you will not believe any such groundless reports of them.

The Cherokees with one voice return you their unfeigned thanks for all the good offices you do them, and if you could but settle a peace between the Norwards and them they would for ever acknowledge it as the greatest obligation to you.

The little Carpenter's brother brought in a scalp two days ago, and another was brought in by a Party off the great Island, two

more to Chuoee above Chillhowe—Every now and then we hear the War Hoop.

It is shocking to express the tearing cheating & horse stealing that have been committed among the Indians by the Traders and Packhorsemen last winter in this Nation. Various and numerous are the complaints made to me against them, but I was too late to redress them, it is no wonder that the Cherokees should withdraw their affections from us, when we allow such villains to trade or reside amongst them.

The Indians seemed extremely satisfied with the appearance of Mr Ross, who arrived here a few days since from Virginia, he is Factor to the Public Trade to be carried on by that Colony with the Cherokees. He made them a proposal of settling a store fortified with stockade on Long Island on the Houlston; but they replied that his Talk was very good and agreeable to them, but that they would not allow any store to be fixed for the following reasons; that that was their best Hunting ground, and that their young fellows might steal some of their horses and kill their cows, and that the White People would be for taking some satisfaction; that the issue of this would be their breaking out in an open rupture.

The Assembly of Virginia have voted £30,000 South Carolina Currency for the support of this Trade, and to continue for seven years; it seems their views are not to make money but to supply the Indians on the cheapest terms possible. Mr Ross promises sending them ammunition in a couple of moons, if the Norwards will permit him, and he intends carrying all his goods by water. He sets off to-morrow for Keowee, from thence about to Virginia, as the path this way is very dangerous.

Extract of a Letter from Ensign George Price dated Fort Prince George 3rd June 1766.

Mr Cameron has been gone from this place ever since the 17th of last month but I have not heard from him yet. After the different accounts we had concerning Mr Boyd it is now reduced to a certainty that some mischance has befallen him and the three men who accompanied him. Their Horses have all been brought in from the Tay River where 'tis supposed their Bodies were thrown in after they were slain as there was no traces of them any further and as none of their Effects can be found it is suspected that a party headed by the White Owl did the Mischief that party having

returned as they said from War a few days after M^r Boyd's departure for Virginia and on their coming near Chote set up the death Whoop altho they returned as they said without meeting any enemy One Ross who is factor for the new instituted Company in Virginia for carrying on a Trade with the Indians came into the Nation along the Road M^r Boyd was to have went but saw nothing of him This Gentleman's business in the Nation is to obtain the consent of the Cherokees to build a Factory on the Great Island on Holstowns River but the Great Warrior told him the Virginians might settle at the Lead Mines and send in Traders from thence but no nearer The Carpenters Wife does not stop to say it was the Owl and his party who did the mischief

[B. P. R. O. AM: & WEST IND. VOL. 269.]

Letter from the Secretary to Governor Tryon

WHITEHALL 12th June 1766.

I have the pleasure of transmitting to you herewith inclosed a printed Copy of an Act of Parliament entitled "An Act for indemnifying Persons who have incurred certain Penalties by an act of the last Session of Parliament for granting certain Stamp Duties in the British Colonies and Plantations in America &c" as also a Copy of another Act "for opening and establishing certain Ports in the Islands of Jamaica and Dominica for the more free importation and exportation of certain goods and Merchandizes and other purposes therein set forth."

Thus you see Sir that not only the greatest attention has been shewn to his Majesty's American Subjects for the repeal of an act which they had complained of but those grievances in Trade which seemed to be the first and chief object of their uneasiness have been taken into the most minute consideration and such regulations have been established as will it is hoped restore the trade of America not only to its former flourishing state but be the means of greatly increasing and improving it to the conveniency and advantage of all his Majesty's subjects in every part of his Dominions.

With these views have these regulations been enacted and from the best enquiries into the commerce of America it is more than probable that very Salutary Effects will answer the Intentions.

Such manifest concern and tender regard shewn by his Majesty and his Parliament for the true happiness and prosperity of the Colonies and Plantations cannot fail I am persuaded to produce on their part suitable sentiments of Duty Respect and Gratitude to their King and love and attachment for their Mother Country

I am &c
RICHMOND &c:

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Secretary Conway

BRUNSWICK 14th June 1766

I had the honor to receive your letter of the 10th of October delivered to me by Lord Hope the 21st of May last. I endeavor'd to make his Lordship experience that respect and attention you recommended me to shew him, a behaviour I esteemed in every respect due to his Lordship, upon a personal acquaintance with him. I had the pleasure and satisfaction of his company four days in my house and should have been happy with a longer continuance of so amiable a guest. I attended his Lordship down the river and was two days on board his ship. The 1st of this month he took the opportunity of a fair wind and sailed for Virginia, I was concerned to see him in so critical a state of health; the obstinate cough he labors under indicates a consumption.

I am &c

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Sir William Johnson, Bar^t

BRUNSWICK the 15th June 1766

The Sachem of the Tuskarora Indians waited on me the 17th of last month; he shewed me the credentials you gave him and a pass

obtained from Governor Fauquier of Virginia, both which together with his talk informed me of the intention of his journey from Susquehanna river. He arriv'd at this town very ill; I ordered a Doctor to attend on him, the best care to be taken of him to be supplied from my house with every thing he wanted. This complaint was the mumps, from which he recovered in about a week, he dined twice at my table, which was as often as his health would permit. I found him not only humanized, but civilized. As the tract of land the Tuskaroras hold in this province upon the Roanoke was granted to them by the Legislature of this colony I acquainted the Sachem it would be necessary for his waiting till the meeting of the General Assembly to be held at Newbern the 30th of October next, when I would give him all the assistance in my power for the sake of so much of the land as would be necessary to bear the travelling expences of as many of the Tuskaroras, as were willing to quit this province, and march to join the Six Nations. The Sachem at first was very unwilling to stay himself till the above time, as he had promised his nation, and you Sir, to return to them in seven months from the time of his departure: and that term was already expired; however upon taking further time to consider on it, and upon my assurance to acquaint his nation, thro' you, of the necessity of his waiting till the meeting of our General Assembly; he consented to go to his people settled in this province, till the above period. The eight indians he brought from the Six Nations he told me he had left at the indian town on Roanoke river. He gave me strings of wampum during his talk. At my request that he would give the Governor of this province an indian name upon a day's consideration he honoured me with his own name, Diagawekee, in testimony of his regard for the care I had taken of him in his sickness. This name is to remain to all future Governors of North Carolina.

In a letter I have lately received from Mr Stuart, Superintendant of Indian affairs for the Southern District, he mentioned your application for his assistance to get the Tusks residing in this country to remove, and join the Six Nations; to accomplish which end you may be assured my assistance shall not be wanting as also my protection to as many of the nation as choose to continue in the province. I am told their number including men, women and children amounts to nearly two hundred and twenty or thirty.

I gave the Sachem a pass under the seal of the province for himself and attendants. The interpreter I understand is the same that came from the Six Nations with him, he seemed to be attentive to the Sachem, and behaved himself very well while at Brunswick.

I am Sir &c

[B. P. R. O. AM. & WEST IND. VOL. 269.]

Letter from Governor Tryon to M^r Stuart, Superintendent &c

NORTH CAROLINA

BRUNSWICK 17th June 1766.

I had the satisfaction to receive your letter of the 28th of last month by M^r London, with a Cherokee Talk, and an extract from M^r Cameron's letter; I now only wait for M^r Palmer, the Surveyor General, coming into Brunswick from Bath Town, to hold a Council, when I shall communicate the whole of your correspondence, and hope by the time you promise me with a visit, to be able to accommodate the requisitions of the Indians, to the satisfaction of all Parties.

If the line the Cherokees propose to be run is continued in a straight course from Reedy river to Chiswell's Lead Mines, I am informed, that a considerable part of Mecklenburg, and great part of Rowan Counties, will be left to the westward of the said Line, and consequently, a large body of Inhabitants will be shut out of this Province; I therefore think the first proposition of the Indians, the most easy to be effected, vid^l: A north course to be run from Reedy River to the mountains and from thence a straight course to the mines; but this you will be a better Judge of, when I have the pleasure of shewing you the rough sketch I have obtained of our Western Frontier Counties.

The 17th of last month, the Sachem of Tuscaroras waited on me, with very good credentials from Sir William Johnson. He applied to me for leave to sell part of the Lands belonging to his Nation, in this Colony, to support the expence of as many of his Subjects on the Roanoke, as are willing to join the six Nations; I could not comply with his request, without the consent of the General Assembly, their lands being appropriated to them, by an Act of the Legislature of this Province, I have therefore persuaded him, to go to his

people settled on the Roanoke, and remain with them, till the meeting of the General Assembly, to be held at Newbern next October, when I assured him I would give all the assistance in my power, and in the mean time, promised to write to Sir William Johnson to desire he would acquaint the six Nations of the cause of his delayed return to them.

I hope you have had an opportunity of congratulating your new Governor on his safe arrival among you; and that nothing will impede my soon experiencing the pleasure of your company in this more solitary part of the world.

I am Sir &c
W^m TRYON.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Governor Bull

BRUNSWICK 17th June 1766

I am to acknowledge the favor of your letter giving me the intelligence of the repeal of the Stamp Act, as also your letter delivered me by Lord Hope. It is with pleasure I congratulate you on the above event. I trust the generosity and benevolence of his Majesty and his Parliament in their late conduct to the British Colonies, will engrave such gratefull impressions on the minds of the Americans, as neither ambition, prejudice of education, or time will ever be able to efface. Their interest under their different circumstances are certainly mutual, and reciprocal. I have received by way of New York dispatches from the Secretary of State notifying the repeal of the Stamp Act, &c. I have inclosed the dispatches to the Governors of the Southern provinces, to Mr Barons a packet directed to Lord Charles Montagu makes me imagine his Lordship may be arrived at his government

I am Sir &c

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Benjamin Barons, Esq.

BRUNSWICK the 17th June 1766

The favor of your letter of the 27th of last month received the 1st inst. As the circumstances of the times does not so immediately require expedition for public dispatches as before the repeal of the Stamp Act, I have ordered my Secretary to inform Mr Burgwin I have no further occasion to subscribe for a messenger to go from Wilmington to Charles Town. Till I see a difference of behaviour among the gentlemen of that borough, I cannot expect any proposals I should make agreeable to your plan, will meet with their proper effect.

I am, &c.

[B. P. R. O. AMERICA & W. INDIES. VOL. 214.]

NORTH CAROLINA.

To His Excellency William Tryon Esq^{re} Captain General, Governor, and Commander in Chief in and over the Province of North Carolina & C^a

The Address of the Corporation of Wilmington.

SIR,

We his Majesty's most dutifull and Loyal Subjects the Mayor, Recorder, Aldermen and Freeholders of the Borough of Wilmington beg leave to congratulate your Excellency on the Repeal of the American Stamp Act, and on the happy prospect of the union and Harmony thereby established between the Colonies and their Mother Country.

Permit us also to express our most gratefull acknowledgements to the Supreme Legislature of great Britain for their care and attention in Protecting the Inhabitants of his Majesty's extensive American Dominions in the enjoyment of that inestimable blessing Liberty, and at the same time releasing them from a Burthen they were unable to bear.

With hearts full of Gratitude to the best of Kings we assure your Excellency that we shall be ready at all times to defend and protect

His Majesty's Person and Government, and to Evince our inviolable attachment to his Illustrious House at the risque of our Lives and Fortunes.—We cannot help expressing our Concern at the many misrepresentations, that have been made to your Excellency of the transactions of the Inhabitants of this Borough & several of the adjacent Counties. Since the time of the Stamp Act's taking place, permit us to assure you, Sir, that it ever has been our constant endeavor, as far as our influence extended, to promote the ease and happiness of your Excellency's Administration.

MOSES JOHN DE ROSSET Mayor.

Borough of Wilmington 26th June 1766.

His Excellency's Answer.

To the Mayor, Recorder, Aldermen, and Freeholders of the Borough of Wilmington.

GENTLEMEN,

It is with satisfaction I receive your Congratulations on the Repeal of the Act of Parliament Granting certain Stamp Duties in America.

The grateful acknowledgements you express to the Supreme Legislature of Great Britain for their care and attention to the Liberties of the Inhabitants of His Majesty's American Dominions, and also your affectionate and Inviolable Attachment to His Majesty's Sacred Person, Family and Government, as they are extremely Gratefull to me, I shall with a sensible pleasure transmit those warm sentiments of Respectfull Gratitude and Duty to his Majesty's Principal Secretary of State.

I trust that the Moderation and unparalleled Lenity, so remarkably Manifested by his Majesty and the Parliament to the Colonies, will dispose the Inhabitants of this Province to that chearfull obedience to the Legislative Authority of Great Britain, on which their future Prosperity so much depends. Such a Conduct will prove the strongest Cement for the most firm and happy Union between the Mother Country & her Colonies.

I Profess, Gentlemen, I am at a loss to answer that part of your Address, wherein you Mention Misrepresentations having been made to me of the Conduct of the Inhabitants of the Borough of Wilmington. I declare what Impression I have conceived of them arose from a Behavior, that came immediately under my own Observation.

Brunswick 26th June 1766.

[B. P. R. O. NO. CAROLINA. B. T. VOL. 15.]

Letter to the Board of Trade from their Counsel

LINCOLN'S INN 30th June 1766.

In pursuance of your Lordships Commands Signified to me by M^r Pownall's Letter Wherein you are Pleased to desire my Opinion in Point of Law upon the following Acts Passed in North Carolina in May 1765 I have Perused and Considered the same (Viz^d)

1 An Act Confirming the Title of William Day Esquire to certain Lands therein mentioned

This is a Private Act, and there is no Clause therein Suspending the Execution thereof till it has received his Majesty's Approbation, which is contrary to the Express Directions relating to Private Acts, And I must further Observe that, this Act takes away Estates from two Infants Who are Tenants in Tail, Without any Consent appearing of their Guardians or of the Persons in Remainder, and Vests the same in another Person. The Infants Consent alone to Barr such Intail is not sufficeient, It may prejudice others who may have a Right in Remainder Subject to their Estate tail in Case of their Deaths, And I am of Opinion for these Reasons that this Act should not be Confirmed.

2 An Act for Establishing an Orthodox Clergy

This Act gives a Power to the Governor and Council, to Suspend any of the Parochial Clergy, that shall be Guilty of any Gross Crime or notorious Immorality, until such time as the Bishop of London shall either Restore or pass Sentence of Deprivation on them by his Notification to the Governor, And Discharges the Payment of the Salary's and Provision belonging to such of the Clergy during the time of their Suspension. I must Submitt to your Lordships how far it is fitting, to place this power in the Governor and Council of Suspending the Clergy, without the knowledge of or Approbation being first had of the Bishop of London, which may Interfere with his Jurisdiction. And if such Suspension should not be well grounded, and such Clergy be Restored by the Bishop, the Loss may be very great to the Clergy, who will Loose the whole of their Salary and Provision during the time of such Suspension, And there is no Provision in the Act for the Cure being Supplied during that time.

3 An Act to impower the Sheriff of Orange County, to Collect a Tax of One Shilling and Sixpence Proclamation Money, laid on the Taxable Persons in the said County by An Act of Assembly of this Province passed in the fourth Year of the Reign of his present Majesty.

4 An Act for Opening and Cutting two Roads from the Ferry on the North West River opposite to Eagles Island in Brunswick County, and other Purposes.

Upon Perusal and Consideration of the before mentioned Acts I have no other Objections thereto than are before mentioned I am

My Lords &c

MAT LAMB.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

COUNCIL JOURNALS.

———— JUNE 1766

Ordered by His Excellency the Governor that the following Proclamation be recorded Viz.

NORTH CAROLINA—SS.

By His Excellency William Tryon Esquire

A Proclamation

Whereas a petition has been presented to me from the Inhabitants of the Town and neighborhood of Newbern setting forth that the great quantity of corn exported from that port to the Northern Colonies and W^t India Islands is likely to make that Grain a scarce commodity in those parts, and unless timely prevented will manifestly distress the poor and labouring people in General that reside in that and the adjacent Counties.

I therefore think proper by and with the consent of His Majesty's Council to prohibit the exportation of Indian Corn from the Rivers Neuse and Trent from the tenth day of April next, until the end of the next Session of Assembly, And I do strictly forbid all planters merchants and Masters of Vessels from loading or receiving on board any Indian Corn for exportation from the said Rivers during the time aforesaid, as they shall answer the same at their Peril

Given under my hand and the Great Seal &c, at Brunswick the 26 day of March 1766. &c

W^m TRYON.

His Excellency the Governor with the consent of His Majesty's Council also issued a proclamation in the same form to prevent the Exportation of Indian Corn from any of the Ports or Rivers to the Southward of the Rivers Neuse and Trent from the 15 day of this Inst April, until the end of the next Session of Assembly

Dated at Brunswick the ninth day of April Anno Dom 1766 —

Ordered by His Excellency the Governor the following proclamation be recorded Viz^t

NORTH CAROLINA—SS.

By His Excellency William Tryon Esq, Capt General, Governor &c, &c,

A Proclamation.

Whereas general complaint has been made to me of the very great scarcity of grain and other provisions in this and the neighbouring Counties and several representations laid before me of the present distress of many Families Inhabitants of the said Counties from the want of the necessaries of life I do therefore with the consent of His Majestys Council hereby prohibit the exportation of any Indian Corn, Wheat, Flour, Rice, Pease or any Species of Grain, Corn or Pulse whatever from the port or river of Cape Fear to any Colony or Port whatsoever, or to any other port or river within this Province, such quantity of Grain or other provisions before enumerated only excepted, as shall upon the Oath of the Master or Masters of such Vessells departing this Port be deemed sufficient for the use and consumption of such Vessells during their next intended voyage

I do also with the consent of His Majestys Council hereby Order that no Vessel or Vessells which shall have before the issuing of this Proclamation received on Board any quantity of the Articles by this proclamation before prohibited from exportation such quantity only excepted as shall upon the Oath of the Master or Masters of such Vessells be declared to be no more than sufficient for the use of the said Vessel or Vessells during their intended Voyage shall leave or depart from the said port of Cape Fear 'till all such Grain more than sufficient for the last mentioned use and consumption shall be unshipped and secured from exportation, and I do hereby Order that this Embargo and prohibition shall be and continue from the date hereof to the fifteenth day of October next; and all

persons concerned are hereby required to conform thereto as they will answer the Contrary at their peril.

Given under my hand and the Great Seal &c, at Brunswick the ninth day of June Anno Dom 1766.

WILL TRYON.

At a Council held at Brunswick 28th of June 1766

Present

His Excellency the Governor

| | | | | | |
|------------|---|----------------------|----------------|---|----------|
| The Honble | { | James Hasell | Robert Palmer | } | Esquires |
| | | John Rutherford | and | | |
| | | Lewis Henry DeRosset | Benjamin Heron | | |

His Excellency communicated to this Board the following instructions to wit, from N^o 1 to 38 inclusive and from N^o 42 to 50 inclusive and N^o 52, 53, 56, & 57, 68 and 71, 77 & 78 & 93, 95, 96, 97, & 98 and 109, 110 and 111. and His Excellency was pleased to Order the 11th & 24th Articles of the said Instructions should be entered in the Council Journals Viz^t

Inst 11th And—Whereas we are sensible that effectual care ought to be taken to oblige the Members of our said Council to a due attendance thereon in order to prevent the many inconveniences that may happen for want of a Quorum of the Council to Transact Business, as occasion may require; It is our Will and Pleasure that if any of the Members of our said Council residing in the province shall hereafter Absent themselves from our province and continue absent above the space of Twelve months together without leave from you, or from our Governor & Commander in Chief of our said Province for the time being first obtained under your or his Hand and seal or shall remain Absent for the space of two years successively without our leave given them under our royal Sign Manuel, their place or places in our said Council shall immediately thereupon become Void. And if any of our Members of our said Council residing in our said Province, shall wilfully absent themselves hereafter from the Council Board, when duly summoned without a Just and Lawful cause and shall persist therein after Admonition, you suspend the said Councillors so absenting themselves till our further Pleasure be known, giving timely notice of our Commissioners for Trade and Plantations in Order to be laid before us, and we do hereby Will and require you that this our Royal Pleasure be sig-

nified to the several Members of our said Council, and that it be entered in the Council Books of our said Province as a Standing Rule.

Ins^t 24. Whereas several inconveniences have arisen to our Governments in the Plantations by Gifts and Presents made to the Governors by the General Assembly, for the prevention thereof for the future, It is our express Will and Pleasure, that neither you the Governor, nor any Governor Lieut Governor Commander in Chief, or President of the Council of our said Province of North Carolina for the time being do give your or their consent to the passing of any Laws or Acts, for any Gift or Present to be made to you or them by the Assembly and that neither you nor they do receive any gift or present from the Assembly or others on any account or in any manner whatsoever upon pain of our highest displeasure and of being recalled from that Government.

Then His Excellency laid before this Board in pursuance of the 71st Article of His Instructions the plan of a certain Tract of Land joining Fort Johnston, which He recommended to the Council to have obtained for the advantage of His Majestys said Fort It appearing that the whole or the greater part of the said Land had been granted to one Joseph Sherbourne the 11th May 1735, and no quit rents having been paid for the same from the date of the said patent, It is the opinion of this Board that the Receiver General do take such lawful measures as may be necessary to secure the said Land for the use of the said Fort.

And His Excellency communicated to this Board letters of Correspondence on Indian Affairs from Mr Stuart Superintendant for the Southern District with respect to a boundary line, between this province and the Hunting Grounds claimed by the Cherokee Indians. And it is the opinion of the Board, that His Excellency direct the surveyor General by himself or his deputies to run such lines as the Governor shall think proper to quiet the Indians, and secure the Western Inhabitants in their Legal possessions, And as there is no fund appropriated for this contingency and that the service may not be impeded it is also the opinion of this Board, that the Governor may issue His warrants to the Receiver General of His Majesty's Quit Rents for such sums of money as may be found necessary to carry the above service into execution, and that upon the meeting

of the Assembly, application be made to reimburse the sums so drawn for.

The memorial of John Rutherford Esq His Majesty's Receiver General having been read in the Council in the following words,—

NORTH CAROLINA.

To His Excellency William Tryon Esq Captain General and Governor in Chief in and over said Province.

The Memorial of John Rutherford His Majesty's Rec^r General of said Province,

Humbly Sheweth,

That in the year 1758 the late Right Honble Henry Bilson Legg, then Chancellor of the Exchequer and who in the absence of His Grace the Duke of New Castle then presided at the Board of Treasury was pleased to require of Your Mem. to form and make out a Rent Roll of all Lands holden under Grants in His Majesty's Districts in this Province for which Service He was pleased to say Your Mem. should be allowed in His Acct^s with the Crown for his Expenses and trouble.

Your Mem in obedience to the said Command from materials then in his possession, from extracts out of the Secretarys Office, and from the registers Offices in the different Counties in His Majesty's district, for which your Mem^o having paid the Clerks and Registerers agreeable to the Orders of His late Excellency in Council also for the expence of books and papers from England without including for his own personal expences and trouble He has expended the sum of six hundred and thirty eight pounds three shillings and six pence currency.

Your Mem^r further begs leave to inform Your Excellency that he has been employd since the year 1761 in forming the said Rent Roll in 14 Vols folio, and two other small folios, which not only contain the whole of the Lands in His Majesty's district to be found upon record but also all the conveyances from one person to another for upwards of Fifty Years past, and tho' it cannot be said these books contain an exact Rent Roll, occasioned by the loss of some records, neglects of former provincial Secretarys, uncertain bounds of County Lines, Neglect of Owners of Lands in not recording their Conveyances, and the impossibility of finding out what Quit Rents had been paid before the Year 1749.

These Books however, if the Grants and Conveyances continue to be yearly posted up will exhibit an exact Rent Roll, as the persons in possession of Lands must be under the necessity of either paying from the dates of their grants or produce former receipts. The whole of what is now His Majesty's district of this province was formerly comprehended in one County under the name of Bath County and which has since at different periods been subdivided into 16 different Counties; Your Excellency can very well judge of the difficulty Your Mem^r has had to arrange the Lands in their proper Counties by reason of the vague manner of description of lands in former times. Your Mem hopes your Excellencys approbation to state in his Accounts as a reasonable charge for this service the sum of one thousand pounds currency besides the sum of six hundred and thirty eight pounds three shillings and six pence for his expences in forming and making out the said Rent Roll, which he flatters himself will be of great service for the finding out and ascertaining His Majestys Revenues in this province and which never could heretofore be obtained thro' means of any Provincial Assembly and hitherto deemed otherwise impossible to be got accomplished.

Your Mem^o therefore prays for Your Excellencys recommendation to the Right Honorable The Lords Commissioners of His Majestys Treasury for the final allowance of such charges in Your Mem^o Accounts with the Crown, and as in Duty bound will ever pray.

(Signed) JOHN RUTHERFURD

N CAROLINA

Dated June 23 1766.

His Excellency recommended the consideration thereof to this Board and the D. Auditor having declared to the Board, that the charge therein mentioned was no more than a reasonable one for the services therein mentioned — It is unanimous opinion of the Board that His Excellency recommend to the Right Honible the Lords Commissioners of His Majestys Treasury the allowance thereof.

His Excellency communicated to this Board the 50th Article of his Instructions of Exorbitant Fees being taken in the publick Offices in the Colony. — Ordered that a Proclamation issue Accordingly.

NORTH CAROLINA.

George the Third by the Grace of God of Great Britain France and Ireland King Defender of the Faith and so forth.

Whereas Complaints have been made to us that Exorbitant Fees have been demanded and taken in the several publick Offices in our Colonies to the great dishonour of Our Service and the prejudice of the publick Interests.

We do hereby strictly enjoin and require all publick Officers whatever in their respective Stations throughout this province, not to demand or receive any other Fees for publick business transacted in their Offices, than what are established by proper Authority; upon pain of being removed from their said Offices, and prosecuted with the utmost severity of the Law.

Witness Our Trusty and Well beloved William Tryon Esq, Our Captain, General & Governor in Chief in and over said Province, at Brunswick the 25th day of June 1766, and in the sixth year of Our Reign.

(Signed)

W^m TRYON

BENJAMIN HERON Sec^y

God Save the King.

His Excellency communicated to this Board a letter from Mr Secretary Conway dated the 31st day of March inclosing two Acts of Parliament just passed — The first for securing the just dependency of the Colonies on the Mother Country, And the second for the repeal of the act of the last Session of Parliament granting certain Stamp Duties in America together with the Resolutions of the House of Commons Transmitted to be laid before the Assembly of this Province.

Then His Excellency took the Opinion of the Council, whether the present circumstances of the Country required a more immediate meeting of the Assembly than the 30th of October to which time it now stands prorogued. The same being taken into proper consideration they are of unanimous opinion that the hot and unhealthy season of the year and the extraordinary want of Provisions may prevent a great Number of the Members from attending who are necessarily occupied on their plantations and therefore tis their advice and Opinion as the Country is now in perfect tranquility, and best for his Majestys service and the good of the Province that the Assembly should meet at the time to which it stands prorogued.

Ordered — That a proclamation issue to notify the repeal of the Stamp Act that business may proceed in the usual course

NORTH CAROLINA

By His Excell^y William Tryon Esq. &c. &c.

Whereas an authentick account has been transmitted to me of the repeal of the Act of Parliament granting certain Stamp Dutys in America.

I do hereby with the Advice and consent of His Majestys Council issue Proclamation, to notify the same that publick business may be carried on as usual and that the Inhabitants of this province may return to that chearful obedience to the Laws and Legislative authority of Great Britain, On which the future happiness and prosperity of the Colonies so greatly depend.

Given under my hand and the Great Seal &c. at Brunswick this 25th day of June 1766, and in the sixth year of His Majestys Reign.

(Signed)

W^m TRYON.

Benjamin Heron. Sec^y

Ordered, That the Secretary enter the Minutes of the Council in a fair Folio Book to be produced in Council whenever the Board sits — And the Minutes of the preceding sitting to be read before the Board enters upon Business.

[B. P. R. O. AMERICA AND WEST INDIES. VOL. 270.]

Letter from John Stuart, Superintendent &c, to the Board of Trade
CHARLES TOWN 10th July 1766.

I had the honour of laying a full state of Indian affairs within this Department before your Lordships in my letter to M^r Pownall dated 24th August last.

In September following I went to S^t Augustine, from which place I had the honor of writing your Lordships the 9th of December jointly with Governor Grant, giving an account of our negotiations with the Creek Indians and the Cessions of Land by them to that Province, and Georgia, at a Congress of their ruling men of Picolata, since which I have not been honored with any of your Lordships

commands, I am now to communicate to your Lordships the late occurrences in the different Indian Nations within this Department.

The Cherokees who complained much of encroachments on the Lands by Grants from the two Carolinas, objected to the Boundary Line proposed by Lieutenant Governor Bull to divide this Province from their claims, and refused to settle that matter till they should hear from me.

I accordingly wrote and pressed to agree to Mr Bull's proposal which they acquiesced in, I herewith transmit a Copy of the Cession of Land obtained from them by Mr Cameron dated 19th October and a Certificate that the Line was run out in consequence dated 10th May last.

I communicated these transactions and their request of having the Line continued behind Virginia and North Carolina to Gov^{rs} Tryon and Fauquier, and send herewith Copies of my letters upon that Subject, with Gov^r Tryon's answers, but I have not been favored with any from Lieutenant Governor Fauquier.

I propose setting out next week for North Carolina to assist in getting matters so settled as to remove all cause of complaint in future on account of encroachments on the Land reserved by the Cherokees for Hunting Grounds.

The Government of Virginia has not been able to bring the murderers of the Cherokees in Augusta County to justice, nor did they endeavour to satisfy the relations of the deceased by presents, which piece of private justice is very necessary.

That Government has sent several Messengers into the Cherokee Country within these six months past to negotiate some matters relative to a trade to be carried on to that Nation by a Company erected by a provincial law with a fund of £30,000 that money; I have had no further information on that subject, than what is contained in the Letter from Messrs Cameron and Price, of which I have the honor to lay abstracts before your Lordships.

As such a Trade, established by a Law in any one Province must interfere with the Trade or Individuals from the other Provinces as well as the general management of Indians and as your Lordships signified to me His Majesty's Order that I do punctually report to you all occurrences and matters relative to the Indian Nations within this Department I humbly conceive it to be your Lordships Idea that no such material Steps as this should be taken

without being communicated to the Superintendant for his Information and Government.

I likewise beg leave to observe that persons residing as Traders in the Indian Countries being employed by the respective Governors to call Meetings and transact Business for their Provinces without the participation or Interposition of the Superintendant or his Deputy residing in such Indian Country has a Tendency to lessen the Authority and Influence of the Superintendant and his Officers and to destroy that Subordination which is necessary to the Government of the Traders and the Introduction of Order amongst the Indians which I humbly submit.

If as it is said the Province of Virginia propose to sell Goods at such prices as will only pay the charges of carrying the Trade the consequences will be that all the other Indian Nations will expect the same Indulgence in which we must gratify them or be plagued with their complaints and Dissatisfaction and this can only be done to the Choctaws Creeks and Chickasaws and small Nations on the Mississippi at the Publick Expence of Great Britain as the Infant Provinces cannot do it and Individuals will not go amongst Indians as Traders merely from Motives of public good without a prospect of compensation adequate to their Trouble and Risque and if the Province of Virginia propose by these new regulations to satisfy the Cherokees for the murder of their People they will not succeed for till the relations of the deceased are satisfied by having the murderers executed or by some valuable consideration for their loss we can never consider that affair as settled they will not look upon any favourable regulation of Trade of which they can only reap the advantage in common with their Countrymen in general as any satisfaction to them for their murdered Friends.

The Cherokees have never been called together since the general Congress at Augusta no medal-Chiefs have been appointed among them which cannot be done but at a general meeting of their leading men and this delay they construe into disrespect.

As Mr Boyd a Gentleman sent by the Government of Virginia to the upper Cherokee Nation was returning home in May last he was killed with his two attendants near the Cherokee Towns The Cherokees disowned this murder and pretended that it was perpetrated by the Northern and Western Tribes who are at War with them but there is great reason to believe that it was done by the Cherokees themselves by way of satisfaction for their People murdered in Virginia

little can be said to them on this subject with propriety for if such a Province as Virginia cannot bring People to Justice for murdering nine Indians in cool Blood in the middle of a populous and well settled Country it is not to be imagined that Savages possessed of no coercive authority will bring their Countrymen to Justice for revenging the Death of their Relatives in their own way deemed by them most laudable and honourable.

Your Lordships will perceive by the several Letters and Talks of which I now send copies that the Cherokees are beyond measure harrassed by the Incursions of the Northern Tribes upon which subject the Lieutenant Governor of Virginia wrote to Sir William Johnson requesting his Mediation to obtain a Peace for the Cherokees of which the latter acquainted me in his Letter of the 17th September the Cherokees also have made repeated applications to me on the same subject.

As the Creek Indians have upon several late occasions manifested a disposition to give us Trouble and to form a confederacy of the great Nations of this department and as they have been particularly assiduous in fomenting the jealousy of the Cherokees on account of their Lands and stirring them up to revenge the murder of their People in Virginia it became a doubt with me if in a political point of view it would be proper for us to be active in mediating between them and their Enemies but this being a matter which immediately concerns the peace of the Provinces contiguous to the Cherokee Nation I wrote to the Governors of East Florida and Georgia South and North Carolina begging to know their Sentiments on this matter and I herewith lay before your Lordships Copy of what I wrote Lieut. Governor Bull to which I have not been favoured with an answer.

Since the last Congress at Picolata the Lower Creeks have behaved inoffensively they were punctual in sending Deputies to settle the Boundaries of Georgia and to confirm the Cession of Land to that Province

They have also been very friendly and usefull to the Garrison of Fort S^t Marks at Appalatohe who they supplied plentifully with fresh provisions when they were known to be in great want but they have not given satisfaction for the murder of three White Men from the back Settlements of Georgia who a party of Creeks met in their hunting Grounds in September last nor have they returned any

answer to a joint message from Governor Wright and me upon that subject.

It is true the murderers do not live in Community with their Nation but wander amongst the Cherokees and other Tribes.

The Behaviour of the upper Creeks since the Congress at Pensacola has been insolent and suspicious their Messengers and Emisaries have been through all the Great Tribes sounding their inclinations to a general rupture.

They have been insolent to the New Settlers in West Florida and one John Kemp was murdered by them near Pensacola. The reasons they assign for their difference with us in a Talk sent by them to Governor Johnston in consequence of some conversation which that Gentleman had with a very leading Man and Great Medal Chief of the upper Creeks called Emistisigno. Are

Our supplying the Indians in the New ceded Countries as also the Choctaws and small Nations on the Mississippi with Arms Ammunition and other necessaries.

That the English had sent arms and Ammunition to the Chickasaws to induce them to join the Choctaws against them.

That the Choctaws expecting a Party of Creek leading men in their Nation had laid an Ambush to cut them off which they escaped by not being punctual to their Time which they insinuate was at the Instigation of the English.

That the English act the part of Incendiaries by causing War amongst the Indian Tribes and setting them on to cut each others throats.

That they the Creeks never interfere in our Quarrels why should we interfere in theirs.

That they had received a message from Cornelius Doharty a Leader in the Cherokee Nation with a roll of Tobacco and a white wing by a Cherokee Head Warrior acquainting them that the intent of the English in taking possession of Pensacola and the new ceded Countries was first to lull the Indians into a state of supineness and security and afterwards to destroy them and take their Lands that as a Friend he gave them this timely notice and was ready to supply them with arms and ammunition.

That the prices were not lowered as was demanded by them at Pensacola on which last Article they greatly insist.

In answer to all which I beg leave to observe that these Indians have no right to object to our supplying other Tribes as well as them with every sort of European Goods usually sold to Indians.

The quantity of Ammunition imported to their Villages is in the usual proportion to the other European commodities but they want to form a Magazine.

The Presents sent by me to the Chickasaws were in acknowledgment of their Fidelity and to induce them to facilitate the passage of the 34th Regiment to take possession of the Illinois which service they performed well according to their promise.

The Choctaws have been insulted by the Creeks for many years past without taking satisfaction their being so passive was owing to their being divided into English and French Factions who were at open War with each other which subsisted till I met them at Mobile in March 1765. They likewise had been constantly at War with the Chickasaws till that Congress But being united and at Peace with their Neighbors their resenting a continuation of Insults and Murders by the Creeks is not to be wondered at.

I beg leave further to observe to your Lordships that altho' a War between the Creeks and Choctaws be an Event rather advantageous to us than otherwise yet our appearing as Instruments of bringing it about would be very bad policy by which we must infallibly lose the confidence of all the Indian Nations whose Jealousies would be thereby confirmed and upon this principle I have always acted.

I beg leave to refer your Lordships to the several letters upon this subject which I have very lately received and by which Governor Johnston and Col^o Taylor seem apprehensive of a rupture with the Creeks and a Coalition between them and the Choctaws.

The Behavior of Cornelius Doharty is extremely criminal and from my knowledge of him I believe him capable of what is laid to his charge by the Mortar now called Otis Mico formerly Yahatos-tonake such information from a White Man will weigh greatly with jealous Indians Doharty now lies in the Cherokee Nation but as it is no condition in the Bonds of the Traders licensed from this Province to pay any obedience or attention to the Superintendent his Deputies or commissaries and as I am not vested with any Jurisdiction or Authority over them I am at a loss what measures to pursue with such a dangerous person, who should certainly be removed from the Indians.

Their dissatisfaction because of the prices of the European Goods and Rum which were not lowered as they required at the Congress at Pensacola cannot easily be removed as the prices they proposed giving would not induce any White Man to go amongst them in the quality of a Trader this matter I then endeavored to set in a clear light to them of which your Lordships have a full account in the proceedings of said Congress which I had the honour of sending you but if the Traders were put under proper Regulations the prices of goods might admit of some abatement.

The prices of Goods sold in the Cherokee Nation having been much lowered by this Province to gratify the Cherokees gave the first Idea to the Creeks of requiring the same and the competition between the Traders from the different Provinces and by that means the very large supply of Goods render the Indians insolent and wanton while the disorders Abuses and intrigues of the Traders who under sell each other fill them with contempt and hatred for us.

The great danger attending such circumstances will occur to your Lordships whose wisdom will point out the measures to be pursued.

In the meantime I shall endeavour by all means in my power to retain the Cherokees Chocktaws and other Tribes firm in our Interest and to frustrate the Machinations of the Creeks while I shall endeavour as far as I can to palliate and keep matters easy with the last till the Commander in Chief and the different Governors be made acquainted with the situation of affairs and till his Majesty's Pleasure can be signified to me relative to the state of Indian Affairs in general.

I have the pleasure to inform your Lordships that the Chocktaws and Chickasaws punctually perform their engagements in sending considerable flanking Parties to attend the 34th Regiment in its passage up the Mississippi to take possession of the Illinois.

The Message sent by the Chocktaw Nation by their Deputies to the small Nations on the Mississippi had all the effect that could be wished in awing them from attempting to obstruct the Troops by threatening them with destruction if they made any such attempt and a number of that nation having marched to Fort Rossalie in the Natchez Country to join the Regiment left no room to doubt of their Intentions Lieut. Lord of the 34th Regiment who headed the Chocktaws behaved upon that occasion with great perseverance and prudence he describes the Country formally inhabited by the Natchez Indians as the finest in the World.

The Chickasaws under Mr John McIntosh commissary in that Nation to the Number of one hundred and twenty five amongst whom their Great Leader Payamataha were also punctual to their Time and Place and met the Regiment when it had but Five days bad provisions left but they supplied it plentifully with Buffalloe Bear and Venison by which means it was enabled to proceed Twenty five of the best Chickasaw Hunters with the Commissary attended it to Fort de Chartres.

I had also ordered one Hundred Cherokees to Rendezvous at the Confluence of the Ohio and Mississippi which they performed but not meeting the Regiment at the stipulated Place went and lay round the Illinois Villages and gave such employment to the French and Indian Inhabitants as effectually prevented any attempt from them to obstruct the Regiment for which pieces of service I have General Gage's directions to return each Nation thanks.

The Regiment was five Calendar Months and five days upon its passage a detachment of the Royal Highlanders commanded by Captain Sterling was ordered from Pittsburg and had taken possession of Fort de Chartres before the arrival of the Regiment which also kept the French and Indians in Awe from whom every bad Office was to be expected.

The Choctaws have lately taken Revenge on the Creeks for repeated Insults and murders committed by them with impunity thro' a series of years.

As a War has broke out between these two Nations it is not our Business to be active in bringing about a Reconciliation.

The Choctaws complain of not being paid the annual consideration they used to receive from the French and as the French still possess New Orleans they are indefatigable in keeping up a Party amongst these Indians by their Emissaries who point out the disadvantage which they are exposed to by changing Masters such considerations weigh with the leading men of that Nation who were retained faithful to the French Interest by annual presents of which I had the honour of informing your Lordships fully in different letters.

In the Event of a rupture with the Creeks which is not improbable there will be a necessity for preserving and even the courting the Friendship of the other great Tribes and Presents will be necessary which will enable me with some prospect of success to treat with them and require such assistance as may be necessary of their Leading Men which I cannot attempt empty handed.

I had the honor of submitting to your Lordships an Estimate of Presents which I judged to be annually sufficient for all occasions within this department the present circumstances seem to render them extremely necessary and our retaining the Surrounding Nations firm in our Interest will be the certain means of bringing the Creeks to reason or of enabling us to chastize them if necessary, and if his Majesty will be pleased to intrust me with proper powers to treat with the Nations within my Department and to regulate the disorders of the Traders by making them in some measure responsible for their behavior to the Commissioners residing in each Nation.

I shall exert all my Application Attention and Abilities to bring the affairs of my Department into some order which cannot be done while every Governor acts as if no other person had a concern in Indian Affairs and every Province makes Laws for regulating Indian Trade and Affairs without knowing or attending to the inconveniences which may result therefrom to the Interests of the whole and the management of Indians in general.

The distractions at this time occasioned by the Traders will appear to your Lordships by the Abstracts of Letters from the different commissioners which I have the honor of laying before you.

I also have the honor of laying before your Lordships Copy of a Talk from the Old Wolf King in the upper creek Nation in Answer to a joint Talk from the Governor of Georgia and me demanding satisfaction for three Whitemen killed by the Creeks in August last by which your Lordships will form an Idea of the Temper of that Nation.

Notwithstanding which Governor Grant writes me of the 3rd current that the Creek Indians often visit him and behave in a very friendly Manner and are upon the best Footing with the New Settlers.

By a list herewith it appears that there are thirty white Men in the small Nation of Chickasaws which consists of about 350 Men bearing arms sufficient to maintain three Traders such a number must necessarily create competition and jealousy which as well as the inconveniencies resulting from General Licenses granted by the Governor of this Province I had the honor of representing to your Lordships in my letter of the 24th August last to M^r Pownal relative to all which I hope for Instructions from his Majesty.

I have the honor of being with the utmost respect

My Lords &c

JOHN STUART

[N. C. LETTER BOOK S. P. G.]

Letter from Mr Reed to the Secretary

NEWBERN July 20th 1766REV^d SIR,

I can now with pleasure inform you that our Schoolhouse is at length enclosed and that it is a large and decent Edifice for such a Young Country forty five feet in length and thirty in breadth and has already cost upwards of three hundred pounds this currency — The whole subscription is now entirely expended and I have preached and begged in his behalf, till the suppliant is entirely weary and charity cold — The floors are not laid, and the chimneys not built — I have therefore sent a Bill of Exchange for my last half years salary to New York to purchase Bricks for the Chimneys and intend at the next session of Assembly which will be held here in November next to recommend the undertaking from the pulpit and endeavor if possible to advance the subscription T^{would} give me great satisfaction to see a little flourishing academy in this place — I have this affair much at heart and the difficulties I have met with have given me much uneasiness — Mr Tomlinson received a small additional stipend last Easter Monday — The Vestry then agreed to pay him Twelve pounds per annum for attending the Church in Newbern at such times as I am obliged to be absent and attend the several Chapels — I have furnished him with Tillotsons Sermons and the congregation attends very regularly — He is about Thirty years old, wants to settle himself for life, and is very desirous to know whether he shall receive any encouragement from the Society.

Mr Morton arrived here about the 18th of last Month from the Northward and stayed with me to refresh himself a few days, then proceeded to Brunswick to wait upon the Governor and from thence intended to Mecklenburgh County. — But on his arrival at Brunswick, he was very creditably, and I believe, very truly informed, that the inhabitants of that County evaded the Vestry Act by electing the most rigid dissenters for Vestrymen who would not qualify; that the county abounded with Dissenters of various denominations and particularly with Covenanters Seceders Anabaptists and New Lights; that he would meet with a very cold, if any reception at all have few or no hearers and lead a very uneasy life — Such disagreeable relations quite discouraged Mr. Morton from pro-

ceeding any further — He therefore thought proper with the Governors consent to return and settle in Northampton County in the Northern part of this province where I flatter myself he will be kindly received, be of real service, and meet with the venerable society's approbation — I have visited Saint Johns Parish twice during these last six months and baptized in all fifty Children. —————

Yours &c.

JAMES REED

Missionary.

[B. P. R. O. AMERICA & W. INDIES. VOL. 214.]

Letter from the Mayor and Gentlemen of Wilmington to Governor Tryon

May it Please your Excellency.

SIR,

It is with Extreme Concern we have observed in your Excellency's answer to the Address of the Corporation of Wilmington expressions which may be construed to charge that Borough with some marks of intentional disrespect towards your Excellency, a Conduct, which from the consciousness of our hearts we can with the greatest justice disclaim, and which from a Love of Order and a regard to Decency we should sincerely Condemn, not only as inconsistent with that dutifull affection towards his Majesty's Representative which we shall always endeavour to Cultivate, but with the gratefull return of Sentiments which your Personal merit justly claims.

If oppressed by the late Act some commotions of the Country seem'd to threaten a departure from Moderation, your Excellency, we hope will not impute these transactions to any other motive than a Conviction, that Moderation ceases to be a Virtue when the Liberty of British Subjects is in danger, but the greater that Danger was, the more reason we have to applaud the honor and justice of the British Parliament, whose prudent resolutions have relieved us from the Melancholy Dilemma to which we were almost reduced.

From His Majesty, whose heart ever rejoices in the happiness of his People, we most humbly and thankfully receive this mark of attention to the Distresses of his American Subjects, and shall always return his Royal Protection and regard with all the affection and obedience of the most loyal subjects of a free Kingdom, joined to

that filial Duty and Constitutional connection on which our future happiness and existence entirely depend.

Amidst the variety of disagreeable Events which the late commotions occasion'd, we have with great indignation observed in the Barbadoes Gazette of the 19th of April a paragraph as void of Decency as it is of Truth, well assured that your Excellency's Conduct has been always regulated by no other motive than a Generous Concern for the Public good, and that Duty which you, Sir, and we all owe to a Sovereign ever intent on the Welfare of his People, supported by an Ardent desire to promote the particular happiness of a Province committed to your charge.

We have the honor to be Sir, &c

MARMADUKE JONES

JOHN LYON

MOSES JN^o DEROSSET

THOMAS LOYD

FRED^k GREGG

CORNELIUS HARNETT

JOHN ANCRAM

JAMES MORAN

RICHARD EAGLES

OBADIAH HOLT

ALEXANDER DUNCAN

JOHN BURGWIN

JOHN DUBOIS

WILLIAM PURVIANCE

W^m CAMPBELL

GEORGE PARKER

ANTHONY WARD

HENRY TOOMER

W^m WILKINSON

BRUNSWICK Aug^t 2^d 1766.

GENTLEMEN.

As your letter of the 28th of last month has remov'd those aspersions I felt you had laid on my Character in your Address to me on the 26th of June, I am now willing to forget every Impropriety of Conduct, any of the Subscribers and the Town of Wilmington have shown personally towards me in the late Commotions.

I thank you Gentlemen for the Testimony you give me of your approbation of my general Conduct; but my Acknowledgements are more expresely due for the Justice you do me in such part of my Conduct, as has been traduced by the Barbadoes Gazette of the 19th of April last.

I am, Gentlemen &c

WILL^m TRYON

To Moses John DeRosset Esq^{re} Mayor And the Gentlemen of the Borough of Wilmington.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Lord Barrington, Secretary at War,
BRUNSWICK 29th July 1766.

I have the honor to acquaint your Lordship that Cap^t John Dalrymple, Commander of Johnston's Fort in this province died the 13th inst in the said fort. As his commission for the above command was from his Majesty, I have issued a new one under the seal of the province to Mr Robert Howe, (a gentleman of this province) to succeed him till his Majesty's pleasure is further known. As your Lordship was so obliging as to assure Col^o Boyd that if the Command of the Fort should become vacant it should be given to my recommendation, I beg leave therefore to renew my solicitations for his Majesty's Commissioner in favor of Mr Howe and to remind your Lordship of your intended goodness to me

I am with esteem &c

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to John Stuart, Esq, Superintendant &c
BRUNSWICK 30th July 1766.

Since my letter to you of the 17th last month I have laid before his Majesty's Council of this province our correspondence on the subject of Indian affairs and the following is a copy of the Resolution of the Council on that business Vid^t,

"His Excellency communicated to this Board letters of correspondence on Indian affairs from Mr Stuart, Superintendant of the Southern District with respect to a boundary line between this province and the hunting grounds claimed by the Cherokee Indians, and it is the opinion of this Board that his Excellency direct the Surveyor General by himself or his deputies to run such lines as the Governor shall think proper to quiet the Indians, and secure the western inhabitants in their legal possessions. And as there is no fund appropriated for this contingency, and that the service may be impeded it is also the opinion of this board, that the Governor may issue his warrants to the Receiver General of his Majesty's quit rents for such sums of money as may be found necessary to carry the

above service into execution, and that upon the meeting of the Assembly application be made to reimburse the sums so drawn for."

I am sorry to find by the favor of your letter of the 24th of July delivered me by Mr Barnett that you are obliged to postpone your intended visit to me, as I am now anxious to see you and ready to consult with you on the proper measures to be taken relative to the demands of the Cherokees. I shall acquaint the inhabitants of the back country of this province of the hostile disposition of some of the Indian tribes, and the probability of a rupture, at the same time strongly recommend to them to avoid all opportunities of giving them a pretence to commit hostilities and to caution them to be on their guard in case the Indians should make any inroads on them. If the Cherokees permit agreeable to their first talk, the line to be run from Dewis's corner a north course to the mountains, and from thence a strait course to Chiswell's mines, I believe the inhabitants of Mecklenburg and Rowan Counties will be extremely well satisfied, and upon the execution of this agreement I am willing to advance £100 sterl^s for the cost and charges of such presents, as you may think most acceptable to the Cherokee Indians. If the above line could be run by the end of September and you could accompany me, I should not dislike to be present as it might not only prevent any little jealousies that might arise between the settlers, and the Indians, but give me an opportunity to take a view of the back country.

I this day received information that one William Linville, his son, and another young man who were gone over the mountains at the head of the Yadkin to hunt, that in the first week of this month they were surprised by the Indians, that Linville and his son were killed that the young man made his escape wounded to his settlement, where I am informed he is since dead of his wounds. I cannot as yet learn of what tribe or nation these Indians were.

I am, &c.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to the Board of Trade

BRUNSWICK 1st August 1766

Upon an inspection into the condition of the garrison ordnance stores and ammunition at Fort Johnston I found them agreeable to the three returns inclosed — First, Return of the garrison 2^d. Return

of the artillery, stores and ammunition, 3^d. Return of the arms and accoutrements Six Carriages for the 18 and 9 pounders are at Wilmington and three swivel guns are at Salisbury in the western frontier of this province. Six hundred swivel balls and eight barrels of gunpowder were let out upon bond, by the late Governor to some gentlemen on this river. I have ordered the parties to replace it, as in case of neglect I shall sue their bonds. The three eighteen pounders with their carriages I shall at the request of the inhabitants leave in the town of Wilmington, the other three carriages I have ordered into the fort. The three swivels may be necessary in the back country in some temporary fort against the indians. Great quantity of the powder, the flints and all the musket balls were sent into the back country during the last war, and tho' there are no vouchers that I can find for the expenditure, I am told it was all used.

This my Lords is the fullest return I can procure of the ordnance, stores &c in this province. As Capt Dalrymple told me he left at your Lordships board a plan of the said fort, I shall only take notice that the proportions observed in the construction of the fort are as miserable, as are the materials with which it is built; lime, half broken oyster shells and sand are the ingredients, called tabby-work. There is so great a proportion of sand that every gun fired, as a signal, or on public occasions, brings down some of the parapet. In short I think the fort a disgrace to the ordnance his Majesty has placed in it. Its situation for the defence of the entrance of the river is admirable, and extremely favoured by nature. It commands not only across but up and down the channel, and has no covered or hollow way very near on the side of the country. I am apprehensive this country will not at present be at any further expence in the rebuilding of this fort; and indeed were they to raise money for that purpose, it could not be effectually applied, without his Majesty was pleased to order an engineer to direct and superintend the construction. All the other forts in the province are entirely gone to ruin. In the present circumstances of the country, the protection of the entrance of this river is certainly the most essential of any in the province; the towns of Brunswick and Wilmington lying so near the bar, the first eighteen and the other thirty miles distant from it which lays them more open to the insults of the enemy, than those towns to the north east of this province, which lay 70, 80, and 140 miles from the mouths of their rivers.

I am with much esteem and respect,

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to the Board of Trade

BRUNSWICK 2^d August 1766.

I take the opportunity by Captain Williams to acknowledge the receipt of his Majesty's instructions: The 28th of June I called a Council, but as my commission had been opened in December last, and the Council sworn in, I only communicated and recorded such instructions as the minutes of the Council of that [date] will certify. About the same time I received Mr Conway's notification of the repeal of the Stamp Act, and as the Assembly then stood prorogued to the 30th of October next, I took the opinion of the Council if an earlier meeting would become necessary, their opinion was in the negative and is contained in the 10th page of the minutes of the Council inclosed. The inhabitants of many counties in this province have been drove to great difficulties for want of corn: The planters have been reduced to feed their gangs of negroes upon their stock of cattle, and upon apples. The scarcity will be relieved the first week in September as they will then begin to dig the potatoes of this country, the usual food for negroes when indian corn is not distributed.

I must beg leave to observe to your Lordships that among the gentlemen named in his Majestys instructions to me Mr Robert[?] Spaight is in the number, a gentleman who died before I came into the proviuce; and Mr James Murray whom I found on my arrival here, President of the Council, is left out of the said instructions. I therefore cannot admit Mr Murray to sit in Council, till I am honored with your Lordships directions on this head.

Mr Murray had my leave of absence from this province for one year which expired last April; he has applied to me for another years leave upon which I have acquainted him how the affair stands, with regard to my instructions, As he is concerned in a Sugar house at Boston I question whether he will ever reside again in this country.

The death of Mr Robert Spaight and of Mr Chief Justice Berry, with the absence of Capt Brice Dobbs, will make three vacancies in the Council; I shall therefore name the following persons for your Lordships choice of Counsellors, Vid^t Mr Strudwick, Mr Francis

Corbyn, Mr Thomas Lloyd, Mr Thomas McGwire and Mr Samuel Swann, Sen^r

The three first I transmitted to your Lordships board when I notified the death of Mr Berry, Mr McGwire is just gone to England; he is a gentleman of very good character in this country and lived with credit in the province. Mr Samuel Swann is a gentleman well versed in the Constitution of this country, and tho' he has not always supported the measures of government, I believe him well inclined at present to my administration.

I shall not have it in my power to give your Lordships a particular account of the state and strength of this country, till after the meeting of the General Assembly; the late disturbances having greatly added to the confusion of all the public offices that I can obtain no proper returns as yet from them. I have however the satisfaction to inform your Lordships the inhabitants have returned to a cheerfull obedience of the laws that the several courts are open, and business carried on as usual.

The inclosed address of the borough of Wilmington, I believe to be the sence of the province as far as it relates to gratitude and loyalty

I am of opinion this province is settling faster than any on the continent, last autumn and winter, upwards of one thousand wagons passed thro' Salisbury with families from the northward, to settle in this province chiefly; some few went to Georgia and Florida, but liked it so indifferently, that some of them have since returned.

The dispatch containing the patents I have granted since my administration will shew to your Lordships the great increase of settlers in the western or back counties. These inhabitants are a race of people differing in health and complexion from the natives in the maritime parts of the province; as much as a sturdy Briton differs from a puny Spaniard; in the present situation of my health, I may include myself among the latter,

The Sachem of the Tuskaroras settled with the Six Nations waited on me last June, to solicit my assistance for the removal of as many of his nation settled on the Roanoke in this province, as were willing to join his people among the Six Nations. As this request was made at the desire of Sir William Johnston, and with the approbation of Mr Stuart, I have allowed them to remove. I am told by Capt Williams in a verbal message from Mr Jones the Attorney General that one hundred and thirty of them will march out of this

province this week, and that Mr Jones and two more gentlemen have advanced £1200. — Proclamatⁿ money to purchase wagons provisions &c. for their conveyance and subsistence and that this money is lent on credit of some of their lands 'till the General Assembly can reimburse that expense, by a law for the sale of as much land of theirs as will raise the above sum. There will remain in this province no more than fifty or sixty of that nation.

I am to acquaint your Lordships that Capt John Dalrymple late Commander of Johnston's Fort died the 13th of last month. I have appointed Capt Robert Howe to succeed him under the seal of the province till his Majesty's pleasure is known: there is no pay to the commission, and the perquisites only five shillings proc. for every vessel that comes into this port; this is a fee for his giving the masters of vessels their product bill.

I am with great esteem and respect

P. S. I received this morning the inclosed letter from the Mayor and Gentlemen of Wilmington.

[B. P. R. O. AM. & W. I. N. C. No 216.]

ADVERTISEMENT

August 1766.

No. 1. Whereas that great good may come of this great designed Evil the Stamp Law while the sons of Liberty withstood the Lords in Parliament in behalf of true Liberty let not Officers under them carry on unjust Oppression in our own Province in order thereunto as there is many Evils of that nature complained of in this County of Orange in private amongst the Inhabitants therefore let us remove them (or if there is no cause) let us remove the Jealousies out of our minds.

Honest rulers in power will be glad to see us examine this matter freely there is certainly more honest men among us than rogues & yet rogues is harbored among us sometimes almost publicly, every honest man is willing to give part of his substance to support rulers and Laws to save the other part from rogues and it is his Duty as well as right to see & examine whether such rulers abuse such trust,

otherwise that part so given may do more hurt than good, even if all were rogues in that case we could not subsist but would be obliged to frame Laws to make ourselves honest and the same reasoning holds good against the notion of a Mason Club; this tho' it must be desired by all or the greatest number of men, yet when grievances of such public nature are not redressed the reason is everybody's business is no Bodys, therefore the following proposals is offered to the Publick

AN ADVERTIZEMENT

Let each Neighbourhood throughout the Country meet together and appoint one or more men to attend a general meeting on the Monday before the next November Court at a suitable place where there is no Liquor (at Maddocks Mill if no objection) at which meeting let it be judiciously enquired whether the free men of this Country labor under any abuses of power or not and let the same be notified in writing if any is found and the matter freely conversed upon and proper measures used for amendment; this method will certainly cause the wicked men in power to tremble and there is no damage can attend such a meeting nor nothing hinder it but a cowardly, dastardly Spirit which if it does in this time while Liberty prevails we must mutter and grumble under any abuses of power until such a noble spirit prevails in our posterity for take this as a maxim that while men are men though you should see all those Sons of Liberty (who has just now redeemed us from tyranny) set in Offices and vested with power they would soon corrupt again and oppress if they were not called upon to give an account of their Stewardship.

[B. P. R. O. AM : & W. IND. VOL. 269.]

Letter from Secretary Lord Shelburne to Governor Tryon

WHITEHALL August 9th 1766.

The King having been graciously pleased upon the resignation of the Duke of Richmond to deliver to me the Seals of the Southern department. I take the earliest opportunity of notifying the same to you and am to acquaint you by his Majesty's Command that your dispatches are to be henceforward directed to me you may

depend upon their being punctually laid before the King and that I shall not fail to transmit to you from time to time such orders as I may have the honor to receive from His Majesty in consequence of them

I am &c
SHELBURNE.

[B. P. R. O. AM: & W. I. VOL. 269.]

Letter from Secretary Lord Shelburne to Governor Tryon

WHITEHALL August 9th 1766.

The King having been pleased to make an Order in Council bearing date the 8th instant which revokes and repeals every clause and Article contained in the order made by his late Majesty in Council on the 11th March 1752. I transmit to you herewith in Obedience to the above mentioned order a Copy of the same for your Information and Observance

I am &c
SHELBURNE.

[B. P. R. O. A. & W. I. N. C. No. 216.]

ADVERTISEMENT.

No. 2. At a meeting of the Neighborhood of Deep River the 20th August 1766 unanimously agreed to appoint Wm Cox and Wm Masset to attend a general meeting on the first Monday before November Court at Maddox Mill on Enoe where they are judiciously to examine whether the true men of the county labour under any abuses of power and in particular to examine into the Public Taxes and inform themselves of every particular thereof by what Laws & for what uses it is laid in order to remove some jealousys out of our minds and the representatives vestrymen and other officers are requested to give the members of said meeting what Information and satisfaction they can so far as they value the good will of every honest Freeholder and the executing of public offices pleasant and delightful

No. 3. At a meeting of the Inhabitants of Orange County on the 10th of October 1766 for a Conference on Publick affairs with our representatives, Vestrymen &c.

It was the judgment of the said meeting that by reason of the extent of the County no one man in it in a general way was known by above $\frac{1}{10}$ man of the Inhabitants for which reason such a meeting (for a Public and free Conference yearly and as often as the case may require) was absolutely necessary in order to reap the profit designed us in that part of our Constitution of choosing representatives and knowing of what uses our money is called for.

We also conceive such a representative would find himself at an infinite loss to answer the designs of his Constituents if deprived of consulting their minds in matters of weight and moment.

And whereas at the said meeting none of them appeared tho' we think properly acquainted with our appointment and request yet as the thing is somewhat new in the County though practised in older Governments they might not have duly considered the reasonableness of our request, We therefore conclude that if they hereafter are inclinable to answer it that we will attend them at some other time and place, on their giving us proper notice, it is also our judgment that on further mature deliberation the Inhabitants of the County will more generally see the necessity of such a Conference and the number increase in favour of it to be continued yearly.

Ordered that a Copy of the above be delivered to each of our representatives & another Copy set up in Public next General Muster.

Their Objection sent was because we had used the word—Judiciously.

[N. C. LETTER BOOK S. P. G.]

Letter from Mr Andrew Morton to the Secretary.

NORTHAMPTON NORTH CAROLINA

August 25: 1766

REVEREND DOCTOR,

I wrote to you in June last informing you of my Journey to my new mission in Mecklenburgh County — From Newbern I pursued my Journey to Cape Fear where I received such Intelligence as discouraged me from proceeding any further — There I was well informed that the Inhabitants of Mecklenburg are entire dissenters of the most rigid kind — That they had a solemn leage and covenant teacher settled among them That they were in general greatly

averse to the Church of England — and that they looked upon a law lately enacted in this province for the better establishment of the Church as oppressive as the Stamp Act and were determined to prevent its taking place there, by opposing the settlement of any Minister of the Church of England that might be sent amongst them — In short it was very evident that in Mecklenburg County I could be of little use to the honorable Society and I thought it but prudent to decline embroiling myself with an infatuated people to no purpose and trusting that the Venerable Society, upon a just representation of the matter would not be dissatisfied with my conduct. —

Having communicated this matter to Governor Tryon who is a sincere friend to the Church his Excellency was pleased to recommend me to the people of Northampton County in the Northern District of the Province — Here I was vastly well received by the people who wish for nothing more ardently than my settlement among them and I have agreed to stay with them till next Easter, by which time I hope the pleasure of the Society will be known in this matter. —

Bath the place of Residence of the nearest Missionary is seventy miles South East of this place — M^r Reed's parish is 110 miles South of this place, and to the West there is not one Clergyman — Indeed I know of no place in the Province where a missionary is more wanted or where one might be more usefully employed —

But this whole matter I submit to the Honorable Society begging their instructions that I may have the happiness of knowing their pleasure and of conducting myself accordingly — It was matter of real grief to me to find it impracticable to carry the honorable Society's pious designs with respect to Mecklenburg into execution.

AND^w MORTON.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to John Stuart, Esq, Superintendant &c
at Charlestown

BRUNSWICK 31st August 1766

The favor of your letter of the 19th inst was delivered to me this morning by your express. As I am to hold a Land Office the 20th of next month at Wilmington and to meet the General Assembly of

this province the 30th of October, I am apprehensive there will not be sufficient time for my personal attendance at the running of the line, particularly as my health will not allow me to make great expedition on the road; however I am not without hopes of being able to attend, if I should be prevented Mr Palmer the Surveyor General will be present and very probably Mr Rutherford

The articles you mention that will be agreeable to the Indians I shall purchase from the stores in the back country of this province. I wish to be satisfied of the recovery of your health by the pleasure of seeing you as soon as possible at Brunswick. If circumstances will not permit me to go into the back country, I shall not set out for Newbern till the 14th of October

I am &c.

[B. P. R. O. AM. & WEST IND. VOL. 269.]

Letter from Secretary Lord Shelburne to Governor Tryon

WHITEHALL Sep^r 13th 1766.

SIR

Advices having been received from His Majesty's Superintendants for Indian Affairs that the most unprovoked violences and murthers have been lately committed on the Indians under the protection of his Majesty and whose Tribes are at present in Peace and Amity with his Majesty's Provinces and that the offenders have not yet been discovered and brought to Justice and likewise that settlements have been made on the back of the Provinces without proper Authority and beyond the limits prescribed by his Majesty's Royal Proclamation of 1763, and in some places even beyond the utmost Boundaries of any Province in America and that in consequence the Indian Nations do everywhere discover the greatest discontents and resentments which may endanger the Peace of his Majesty's Provinces and the safety of his Subjects.

It is therefore his Majesty's commands that you apply yourself in the most earnest manner to remedy and prevent those evils which are as contrary to the rules of good Policy as of Justice and Equity.

The violation of those principles attended also with so many dangers to the Provinces is what cannot be permitted If a due obedience had been paid to his Majesty's Royal Proclamation and a due

attention given to proper Restraints on the conduct of the Indian Traders these evils would have been effectually avoided.

His Majesty's commander in Chief has received express orders to co-operate with the civil government for the enforcing a due obedience to that Proclamation and his Majesty requires and expects every measure to be taken which Prudence can dictate for the removing such settlers preventing in future any such Settlements as are contrary to the Intention of the Proclamation and for apprehending such offenders whose daring Crimes have so direct a Tendency to involve the whole of his Majesty's Provinces in America in an Indian War.

I am &c
SHELBURNE.

[FROM THE COURT RECORDS OF ROWAN COUNTY.]

NORTH CAROLINA

22 September 1766

Salisbury, to wit,

At a Superior Court of Justice begun & held for the district of Salisbury at the Court House in Salisbury, on the 22nd day of Sept in the Year of our Lord 1766, before the Hon James Hasell Esq his Majesty's Chief Justice and the Honorable Edmund Fanning Esq his Majesty's Assistant Justice for the district aforesaid &c,

Present

The Hon — James Hasell Esq, and Edmund Fanning Esq,
Court adjourned till tomorrow morning at 9 o'clock

* * * * *

Isaac Edwards Esq, this day came into open Court and qualified as an Attorney of this Court, by taking the oath &c, appointed by law, This day the Court was pleased to appoint Isaac Edwards Esq Attorney for the King in the absence of Mr Hooper &c,

Court adjourned until tomorrow 11 oclock,

Met according to adjournment.

Present

The Hon — James Hasell Esq C. J.
Edmund Fanning Esq A. J.

Then came into open Court and was naturalized according to Law, the following persons, to wit, Frederick Fraley George Logall,

George Adwicke & Chris Blake, by taking the oaths by law prescribed,

The Court adjourned till Monday Morning at 9 oclock,

Met according to adjournment,

Present

The Hon — James Hasell Esq, & Edmund Fanning.

William Hooper Esq, this day came into open Court, and was qualified as Attorney for the King for the Superior Court for the District of Salisbury under Robt Jones Jr Esq Attorney General for said province &c.

[B. P. R. O. AMERICA & WEST INDIES. VOL. 270]

A talk from the Cherokee Chiefs Head men of the Nation to their Father in Charles Town.

22 SEPTEMBER 1766.

Yesterday we received your Talk for which we return you our thanks, but the times are so much altered with us since we spoke to you last, that we could not attend at the fixing of the Boundary Line before the Spring. We shall be at Reedy River with our Brother M^r Cameron by the 10th of the 7th moon (April) before which time, we hope the Governor and beloved men of Virginia will agree to settle the Line on the back of their Country, so as to make a final conclusion of the whole at once. We request that you would thank the Governor of North Carolina for his readiness in agreeing with you to have the Line run this Winter; & altho' it is now so late in the season nothing but the mortality that has seized our People would have prevented us from settling that important piece of business. But altho' we came yesterday to a resolution to set out with our Brother here on the 10th of next moon for that service, the dismal scenes about us this morning weakened our resolutions; and we make no doubt but you will admit of the following reasons as a sufficient Apologie for our putting it off for this fall.

When I got up this morning I could hear nothing but the cries of women and children for the loss of their relations, in the evenings there are nothing to be seen but smoak and houses on fire, the dwellings of the deceased; I never remember to see any sickness like the present, except the small Pox, and if we should attempt to

go to run the Line, we might have been taken sick in the woods, and die, as several of our people have already been served, who attempted to escape this Devil of a disorder. Besides the above, the Governor and beloved men of Virginia have not yet agreed to extend it behind their Province, as proposed to them; and it is troublesome to be always going about it. Before the Express could reach North Carolina and the white men be ready to join us on Reedy River, it would be the winter, and our horses would perish for want of food; now this is what we considered upon this morning, and came to our Brother, that he might stop the Express that was to be sent to North Carolina.

We are sorry to hear of the murders that are committed on the White People; but we do not Know any of the Perpetrators of it. The woods have been full of the Northward Indians all this summer, and it is more likely it was done by them than by any of our People as we always give them good Talks; but we cannot be answerable for the acts of rogues, whom you Know will not at all times listen to our injunctions, and especially when they are out in the woods and meet with the White men hunting on their ground. But you may depend upon it, that we shall never hide anything of that kind from you, when it comes to our ears, and we promise to make a diligent search of any such acts, in order to suppress them if possible,

You inform us that the Creeks & Chocktaws are at war with each other, it is what they will, the Creeks loved war a long time, and thought there was no people that could cope with them, and it is good that they should have enough of it; for our part we are tired of War, for our enemies were too numerous, and we beg that you will not think it troublesome to sue for peace for us. We have sent you a Talk lately on that subject.

Hear us now Father, it is our intention always to walk straight, and will endeavour to keep the path clear for that purpose, but if any bush should accidentally grow up on your side of the Line, we hope that you will pull it up.

I thank you for the Flag which you provided for the Town House at Chohe. What is it that's bad can disturb us, when we set under it. I hold you fast with both my hands.

(signed)

KITTAGUSTA

Head beloved Man of the
Cherokee Nation.

COUNCIL JOURNALS.

[FROM MS. RECORDS IN OFFICE OF THE SECRETARY OF STATE.]

At a Council held in Wilmington 22^d September 1766

Present,

His Excellency the Governor.

| | | | | |
|------------|---|----------------------|----------------|------------|
| The Honble | { | John Rutherford | Robert Palmer; | } Esquires |
| | | Lewis Henry DeRosset | and | |
| | | William Dry | Benjamin Heron | |

Read the Petition of Robert Kerr praying an alteration in the lines of his Patent granted the 25th September 1754 being found on a Resurvey to run in upon the lines of Horrice Kuykendal's land

Ordered that the Patent be altered according to the Resurvey by William Sims Deputy Surveyor—and Recorded in Book 12 Page 275

Read several Warrants from N^o 1 to N^o 334 inclusive and all passed except as follows—N^o 44 and from 56 to N^o 95 inclusive 101, 182, 295 and 324 which were not passed.

At a Council held in Wilmington 23^d September 1766

Present

His Excellency the Governor

| | | | | |
|------------|---|----------------------|----------------|------------|
| The Honble | { | John Rutherford | William Dry | } Esquires |
| | | Lewis Henry DeRosset | Robert Palmer | |
| | | John Sampson | Benjamin Heron | |

Read Sundry Warrants from N^o 335 to N^o 723 inclusive and all passed, except N^o 389, 412, 504, 711—all laid over.

At a Council held in Wilmington 24th September 1766.

Present

His Excellency the Governor

| | | | | |
|------------|---|----------------------|----------------|------------|
| The Honble | { | John Rutherford | William Dry | } Esquires |
| | | Lewis Henry DeRosset | Robert Palmer | |
| | | John Sampson | Benjamin Heron | |

His Excellency went through the Land Office Docket.

At a Council held at Wilmington 27th September 1766

Present

His Excellency the Governor.

| | | | |
|--------------|-------------------|----------------|------------|
| The Honble { | John Rutherford | William Dry | } Esquires |
| | Lewis H. DeRosset | Robert Palmer | |
| | John Sampson | Benjamin Heron | |

Ordered that no returns are received into the Secretary's Office, which contain a greater number of Acres than are mentioned in their respective Warrants.

Ordered, That all Caveats entered in the Secretary's Office against Patenting of Lands that are not brought to a hearing by the 2^d Court after their entry will be dismissed without sufficient cause shewn to the contrary and that the person caveating bring proof that the Partys concerned have had due Notice — And these two orders to be fixed up in the Secretary's Office.

Ordered, That the Secretary Advertize that all Caveats entered before this Court against Patents for Land, not brought to issue [at] the Court of Claims in April next will be dismissed.

Ordered That the Secretary advertize the Court of Chancery to be held at Newbern the 14th of November next and during the sitting of the Assembly His Excellency in Council will hear and determine disputes respecting Wills and Letters of administration or Guardianship.

Ordered that the Secretary Advertize a Court of Claims to be held in Wilmington the 16th day of April next — And during the sitting of the court His Excellency in Council will hear and determine Caveats of Land, Wills, Letters of Administration and Guardianship.

Ordered that the Secretary remove to Newbern by the 30th of October where the Assembly is to be held, the Council Journals, Chancery Docket and all papers relative to the Respective Courts to be held there.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to the Rev^d Mr Daniel Burton, Secretary to the Society for the Propagation of the Gospel

BRUNSWICK the 1st October 1766.

I have had the pleasure to receive by Mr Micklejohn, your letters of the 22^d of March, and the 2^d of April last; I shall pay the proper-

est attention to our Society's recommendation of the above gentleman. The twenty pounds per annum for two years allowed him is a donation no less necessary than generous. I am disappointed in not having received the letter you mention to have wrote to me the 26th of January past; if it was on business or in answer to a long letter I had the honor to send to the Society in July 1765. I wish to have a duplicate of that as well as of all other letters, I may be honored with on the subject of a more happy establishment of the clergy in this colony. This I request as the conveyance of letters to this province is very precarious.

The Rev^d Mr Morton waited on me last July with recommendatory letters from the Rev^d Mr Richard Peters, Rector of Christ Church and St Peters', Philadelphia and Mr William Smyth, Provost of the College of Philadelphia. Mr Morton informed me he had accepted the mission allowed to Mecklenburg county, as offered to him by order of the Society, but that he had not received the answer to the letters he has wrote on that subject.

I intend as a rule to myself to dispose of the ministers as they arrive into those counties where the inhabitants are most willing to receive them: Those of Mecklenburg county are almost all Presbyterians, I have therefore sent Mr Morton at his own request to Northampton county where I believe I shall establish him to the satisfaction of that parish; he produced me his letters of ordination and licence from the Bishop of London

The Rev^d Mr Cosgreve waited on me a few days since with your letter of recommendation from the Society. I have sent him into Pitt county but wait to hear, how he and his parishioners agree, before I establish him there: He makes fair promises and it will give me pleasure to be informed he puts them into practice: The credentials he produced before he left this province for England were not sufficient to induce me to comply with his request for a letter of recommendation to the Bishop of London; however, as he has obtained orders, he shall meet with encouragement as long as his conduct will entitle him to my countenance, I have great expectations from Mr Micklejohn; he is lately gone into Rowan county. The two churches of Wilmington and Brunswick will both be ready by Christmas for public worship. I am obliged to you, Sir, for your intelligence of the annual subscription that would be proper for me to give, for which purpose I inclose you an order on Messrs Drummond. I desire you will please to present my respects to the Society and am &c

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to the Lord Bishop of London

WILMINGTON 6th October 1766

By the honor of your Lordships letter bearing date the first of May last I am informed Mr Stevens came before your Lordship for ordination and brought him an appointment to the parish of Wilmington, which I believe to be a forgery: In the first place the patronage to livings is by the last Clergy Bill implied to be in the Crown, which patronage is reserved to the Governor for the time being by his Majesty's instructions; and secondly I cannot find any person who acknowledges to have given Mr Stevens such appointment. He was a short time in this province during which time he behaved himself so indiscreetly that I refused to give him letters recommendatory to your Lordship.

Mr Cosgreve also about the same time applied to me for a recommendation, but as his credentials were not so satisfactory as I could wish I declined complying with his request; This gentleman has however been successful.

He delivered me last week Mr Burton's letter notifying his being ordained and at the same time he produced letters of ordination. I have sent him to Pitt county for three months probation, at the expiration of which I propose to establish him in that county, if the Vestry report to me his conduct is agreeable to the parish. He made me fair promises; it will give me pleasure to hear he puts them into practice.

This probation I think for the interest of the cause of religion in these parts. the inhabitants seeming as jealous of any restraint put on their consciences as they have of late shewn for that on their property: Many persons have industriously spread among the parishes and vestries that as the patronage to livings is not specified in the above Act, the Crown cannot claim the patronage: some delicacy therefore your Lordship I hope sees is necessary in the establishment of the clergy here, where the minds of the larger body of inhabitants thro' the want of the means of culture are incapable of entertaining generous principles of public utility.

The Rev^d Mr Micklejohn arrived about three months since, I sent him into the back settlements but have not yet absolutely fixed him.

He was three weeks at Brunswick while Mr Barnett was sick; I own I have great expectations of Micklejohn's being serviceable in his calling. It gave me great pleasure to find the Society for propagating the Gospel in Foreign Parts have considered the two last gentlemen who came in here by temporary salaries; This liberality is really necessary to gentⁿ who come bare of fortune, as the parishes here seem to expect the parochial duty performed before the stipend is paid. Your Lordship's and the Society's endeavours to supply the parishes vacant in this province with men of character and abilities meet with my warmest acknowledgments, as I have pledged my faith to the province to persuade (as far as lay in my power) clergymen of character to reside among them; Men of plain characters and exemplary lives are best adapted for the manners of the people of this country. The parochial duties are more or less circumscribed according to the extent and limits of the respective counties: Each county at present forms but one parish. I shall as occasion offers make use of the liberty your Lordship gives me in representing to you the character of such persons for the future as I know to be going from this province to England for ordination.

I have the honor to be &c

[FROM MS. RECORDS IN OFFICE OF THE SECRETARY OF STATE.]

A Copy of Captin Richard Pierces list from the ginerall muster on october the 7th day 1766

| | |
|---------------------------------|-----------------|
| Richard Pierce Capt | Jeremiah Raley |
| John hinnant Lieut | Arthur Pierce |
| Charles Wilkinson Enj | James Watson |
| Jacob Yelverton Sr ^t | David godwin |
| John Richeson Cr ^t | thomas Driver |
| William hinnant Sr ^t | Sameuel duder |
| Sameuel godwin Cr ^t | David baley |
| James Price Sr ^t | Solomon Johnson |
| Edward Price Cr ^t | Richad bayley |
| Jacob Gardner | James Carter |
| Laserus gardner | Charls Carter |
| John Soltor | William gardner |
| beniamin Soltor | Joseph downning |

| | |
|------------------|--------------------|
| John hayls | thomas Price |
| William hayls | William holloman |
| John gardner | Lewes bryan |
| Martha hayls | Jeremiah Parnal |
| Moses Eson | Richard godwin |
| thomas Davis | John Spence |
| John Johnson | Jacob duck |
| Gabril Parker | Isaac Rayley |
| martha Parker | moses Powell |
| Edmun godwin | William brigs |
| Arthur bayley | William Wilkson |
| Right folk | Jesse Pierce |
| Robert foob | E Phraim Pierce |
| Colemun nickorls | thomas folk |
| Everit Pierce | William Richeson |
| Jacob Watson | Zacriah oneal |
| Jesse Watson | beniamin Crafford |
| thomas brigs | beniamin Johnson |
| Drury honycut | William warbinton |
| fedrick honycut | Christopher Soltor |
| Anthony Rayns | ambros bullard |
| John Rayns | Zacriah Lee |
| John odom | John Lee |

To Col. Saml Smith

[N. C. LETTER BOOK S. P. G.]

Letter from M^r Stuart to the Secretary

BACON ISLAND ROAD Oct 7, 1766

REVEREND SIR.

Blessed be God for it since my last in April I am much recovered from my indisposition and tho' I cannot say I am well (or that I ever shall) yet for these three months past I have been able to do my duty tho' it has often been upon Crutches and tho' not yet able to ride, yet by the assistance of a Chair or a boat make a tolerable shift to get about. I have baptized in St. Thomas's Parish, since I have been able to go abroad 96 white and 17 black Children and in Pitt County in one day 124 white and black children I have been

here and at the little Town of Portsmouth — Inlett a few days for the bathing in the salt water and have baptized twenty seven children from the different Islands round me and trust in God if the return of the Winter does not bring on the Rheumatism that for some time longer I may be useful in my station and most gratefully acknowledge the goodness of the Society in honoring my drafts, for without their assistance I must have sunk much more of my little Interest than I ever have done the Vestry of my parish having been so ungenerous that for the whole time of my sickness they would not allow me One Penny Salary and tho' the law would I imagine have supported my Cause, yet I chuse to part with my right rather than make use of the disagreeable remedy the suing my parishioners.

As my circumstances are such that they will not allow me to leave the Country and without the societys assistance I cannot live in it I must hope if it please God again to afflict me that this Bounty will not be withdrawn which will ever be acknowledged by Reverend Sir their ever dutiful and your most obed^t serv^t

[N. C. LETTER BOOK S. P. G.]

Letter from Mr Earl to the Secretary

EDENTON 12th October 1766

REVEREND SIR

Since my letter to you of 26th March last I have baptized in this parish 32 Infants and 2 Adults and administered the Sacrament of the Lords Supper to 24 Communicants I likewise preached to two congregations in Berkley Parrish where the People are destitute of a minister and baptized 26 Infants and 3 Adults. I Intended to have taken another Journey to that parish before this time but have been prevented by sickness which confined me to my Bed for five weeks and through the means of which I am at present so weak and reduced that I can but scarcely walk.

[FROM N. C. LETTER BOOK S. P. G.]

Letter from Mr. Moir to the Secretary.

SUFFOLK IN VIRGINIA, Oct^r 13th 1766.

REVEREND SIR.

Upon finding last November that my bad state of health would not permit me to discharge the Functions of my office in Northampton County I desired the Vestry to employ another—They would not bring suit against the Sheriff who collected the Taxes tho' the salaries for two years and a half were then due to me—After this I officiated in several places at the desire of the People but rejected the offers of Vestrys. In April last I was importuned to serve in Saint Marys Parish Edgecombe County (where I had been many years) the Vestry having paid the money they had sued the Sheriff for and promising to lay a new tax for the balance—I signified to some of them that I did not doubt of Clergymens Salaries being punctually paid from henceforth Governor Tryon having put it out of the power of Collectors and Vestry's to play tricks as formerly and that I would continue to officiate in the Parish as I had opportunity, but was not then in a condition to ride the Circuit of so large a Parish as I had done, and that for the recovery of my health was under the necessity of spending the hot season in Great Britain or the Northern Colonies and that I could come to no Resolution till I returned in May and set out for New York and towards the end of July arrived in Boston where I got rid in a few days of what afflicted me most towit a very sharp pain in the pit of my stomach—About the middle of August it was extremely hot in the City and I had some slight fits of intermitting fever which brought the bleeding of the nose upon me, and being told that Rhode Island was healthy I went thither and in ten days was perfectly recovered, after I had been there five weeks and proposed to return by way of Philadelphia I unluckily sprained my back by trying to save myself from a fall out of a chair—As soon as I was able to walk I went aboard the Packet Boat for New York and stayed there a Fortnight hoping to be able to endure the Motion of a Horse or Chair but finding I could not even walk without great pain I took a passage for Suffolk in Virginia. I have been there three days and flatter myself I shall be able to mount a horse in a short time—It gave me great joy in the Northern Colonies to hear and see our

Clergymen were so regular and diligent and therefore much esteemed by their people and shall always acknowledge myself much indebted for the kind Reception and usage I had from both — I do not draw for my salary being apprehensive I must leave North Carolina and sail for Great Britain in the Spring. My constitution is so crazy that I despair of being in a condition to officiate in such large parishes

I am Reverend Sir, Yours &c.

J. MOIR.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to the Board of Trade

NEWBERN 3^d December 1766

On the 3^d of last month the General Assembly of this province met and went upon the dispatch of public business.

In the course of the session the House of Assembly sent a message to the Council to invite them to join in an address to his Majesty on the subject of the late great indulgences granted to the colonies by the King and Parliament, In consequence of this message both Houses waited on me desiring I would convey the said joint Address inclosed to his Majesty. A duplicate of this address I also send to the Earl of Shelburne, recommending it with all humility to his Majesty's most favorable reception.

I prorogued the Assembly yesterday to the 8th of June next after the public business was finished with great harmony and satisfaction; As soon as I can get the Laws that were ratified this Session transcribed with the Journals of the Council and Assembly I shall make up my dispatches as commanded and send them to your Lordships by the first opportunity: when received, I flatter myself this session will appear to his Majesty as beneficial as any ever held in this province.

A Bill is passed for erecting an edifice in Newbern for the use of the Governor for the time being to be built solely under my orders and directions. Another Bill is also passed for erecting a public school at Newbern, (the first in this province) and appropriating a fund for the support thereof, together with many other usefull public Acts.

I am with all &c^a

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Governor Lord Charles Montagu at
Charlestown

NEWBERN 5th December 1766

The inclosed bill to prevent cattle of South Carolina from ranging in this government I take the liberty to send your Lordship that the inhabitants of your government whom it may concern may not be prejudiced thro' a want of the knowledge of such an act being carried into execution — I trouble Mr Huger with the care of this letter. This gentleman's character and fortune in the province your Lordship presides over makes it unnecessary for me to recommend him to your Lordships acquaintance I am &c^a

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to The Earl of Shelburne.

NEWBERNE the 30th December 1766

I had the honor of receiving on the first of this month your Lordships letter of the 9th of August last with a copy of an order of his Majesty in Council bearing date the 8th of the same month directing the correspondence of the Governors of his Majesty's colonies and plantations in matters relative to their proceedings and government to be transmitted to his Majesty by one of his principal Secretaries of State and also to transmit duplicates thereof to the Lords Commissioners for Trade and Plantations, I beg leave to assure your Lordships I shall observe this order as well as all other his Majesty's commands the most dutiful obedience

I am, my Lord, &c^a

[B. P. R. O. AMERICA & WEST INDIES. VOL. 270.]

Letter from John Stuart to Governor Fauquier of Virginia

CHARLESTON 24th November 1766.

SIR

I did myself the honor to write you the 10th February last favor of Peter Randolph Esquire of which I now send a duplicate,

altho' I cannot doubt of the Original having reached your hands, notwithstanding you have not been pleased to favour me with an answer.

The Cherokees expected to have heard from me relative to the continuance of the Line proposed for dividing the Lands, reserved for Hunting Grounds, from the settlements of your Province, as well as the woman supposed to have been carried away by the Nottaways, and I could have wished to have been enabled to have said something to them on those subjects, as I have business of importance to His Majesty's service, and the general management of Indian affairs within this Department to transact with them, which might have been facilitated by my being enabled to satisfy them in such an interesting matter, as ascertaining their Boundary Line.

The Line behind this Province was completed last Spring to the satisfaction of the Indians as well as the Government, and Governor Tryon of North Carolina agreed to the culmination of it behind his Province in a north course from Reedy River, where the Line behind South Carolina terminates to the mountains; and the Cherokees propose to have it extended a straight direction across the Mountains to Colonel Chiswell's Mines on the great Kannawah or New River, which was to have been carried into execution, so far as relates to North Carolina, in October last, but the sickness and mortality prevailing among the Indians, occasioned the postponing of that service to the Spring; before which time I hope to be made acquainted with your determination on this matter so far as relates to your Province, for the sense of the Indians please be referred to the inclosed talk.

I lately received from M^r Cameron, Commissary in the Cherokee Nation, abstracts of the letters w^{ch} you wrote to M^r Hammerer of 28th April and 6th of August last upon Indian Affairs. My letter of 10th February contained a paragraph relative to the Woman supposed to be made Prisoner by the Nottaways, which was partly the subject of your letters to that gentleman.

The establishment of Commissaries in the different Indian Nations, according to the Idea of the Board of Trade in their plan for the future management of Indians, which no doubt was communicated to you as well as the other Governors, appeared to be essentially necessary for the preservation of Peace, checking the enormities and abuses of the Traders, and transacting business with greater success

and certainty with Indian Nations, that I thought it my duty to appoint such Officers, they are paid by His majesty, who has been graciously pleased not to disapprove of the measures I have pursued, I beg leave to represent to you Sir, that transacting business with Indians through any other channel than His Majesty's Officers employed in the Indian Department must prove prejudicial to the service, as having a tendency to lessen the influence and weight of the Commissary with the Indians, and to weaken his authority over the Traders, by destroying that subordination essential to good Order and the due discharge of his duty for which reason I must conclude the carrying on business in the respective Nations within this Department through any other channel to be contrary to the intention of Government in constituting Indian Departments; and as the Commissaries have instructions to pay the greatest attention to any matters which the Governors may have to transact regarding their respective Provinces; there cannot be any apparent necessity for subjecting the service to such inconveniencies.

Your application to Sir William Johnson for procuring, under his mediation, a Peace for the Cherokees from their Northern enemies he of course communicated to me, as a matter immediately belonging to my Department, as superintendant, my attention to Sir William Johnson in such affairs always has been and shall be reciprocal. I doubt not, Sir, but you was actuated with principles of compassion and humanity in taking this step, the same principles would have directed me in contributing to the relief of the Cherokees, but the situation of Indian Affairs at that time required that my attention should be extended to other objects as well as to their safety and conveniency. The Creeks had been for some time dissatisfied and insolent; their emissaries had been sounding the inclinations of all the neighbouring Tribes to a general rupture; the Cherokees, sore from their late chastisement by us, and harrassed by their enemies, durst not openly avow their discontent on account of the late murders in Augusta County, and the encroachments of the different Provinces; but they kept on a secret correspondence with the disaffected Creeks, and a general rupture was planned and greatly to be apprehended: in such circumstances I considered it as my duty to consult the different Governors of Provinces immediately contiguous and connected with the Creeks and equally interested in the Affairs of the Cherokees with your Government. It was likewise indispensably incumbent on me to submit this matter to the Com-

mander in Chief of His Majesty's Forces. Inclosed you have an abstract of General Gage's letter on that subject, as well as the present state of Indian Affairs.

The discontent of the Creeks is principally owing to the Prices at which they are furnished with goods by the Traders. This Province lowered the Prices of Goods in the Cherokee Nation during the Government of M^r Glen, since which time all the Traders to that Country have been bankrupts, and the Creeks expect the same indulgence, which is impracticable.

Altho' the opulent Provinces of Virginia and South Carolina can undertake to supply the Indians contiguous to them with Goods at such rates as will barely defray the expences of carrying on the Trade, yet I should disapprove of such a measure.

The Creeks, Chocktaws, Chickasaws and small Nations on the Mississippi, which are remote from both, will be dissatisfied, if they have not Trade upon the same Terms, in w^{ch} they can only be gratified by the Parliament of Great Britain, the infant Provinces of the Floridas and Georgia being incapable of such an undertaking. I therefore beg leave to recommend, that the Traders to the Cherokees from your Province be instructed not to sell Goods for less than the usual Prices settled by this Province in that Nation, and that it be made a condition in the Traders Bonds, when licensed by you, to conform to such regulations, as they may from time to time receive from the Superintendant by his Deputy's or the Commissaries residing in the respective Nations.

By last opportunity from West Florida I received dispatches from Charles Stuart Esq^r Deputy Superintendant in that District. The inclosed abstract of his letter will communicate to you the murder of two English Traders by the Creeks; and Governor Johnstone writes me by the same Vessel, that a rupture with them is not only necessary but unavoidable.

Upon receiving some former alarming accounts of the insolence of that Nation, I had the Honor of writing fully to the Board of Trade, and to the Commander in Chief of His Majesty's Forces. M^r Gage's opinion of the steps to be pursued, in order to bring those Indians to reason, are contained in the abstract of his letter already mentioned.

I have communicated the intelligence which I have already received, as well as the General's sentiments, to the different Governors. I have sent off instructions to the Commissaries residing in

the different nations to regulate their conduct at this juncture, and I am sending a person properly authorized by me to demand satisfaction of the Creeks, and, in case of a refusal, I shall apply to have the Trade to their Nation stopped from the different Provinces; the effect of my demand I shall communicate to you as soon as I can, relative to which as well as the other matters contained in this letter, I hope to be honored with your answer, as benefit may therefrom result to His Majesty's service by my being informed of what may be depended upon from your Province, which will help to direct me in the measure I am to pursue

I am respectfully, &c^a

JOHN STUART.

COUNCIL JOURNALS.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

At a Council held at the Council Chamber the 3^d day of November 1766.

Present

His Excellency the Governor.

| | | | |
|--------------|-------------------|---------------------------------|------------|
| The Honble { | James Hasell | Alexander M ^c Culloh | } Esquires |
| | Lewis H. DeRosset | William Dry and | |
| | John Sampson | Benjamin Heron | |

The Honble Henry Eustace M^cCulloh Esq, appeared and took the Oaths appointed by Law for the qualification of Councillors subscribed the Test and took his seat at the Board.

Robert Howe Esquire produced His Excellency the Governors Commission appointing him Captain of Fort Johnston on the River of Cape Fear took the Oath appointed by Law for the Qualification of Publick Officers, and subscribed the Test.

At a Council held at the Council Chambers at Newbern the 7th November 1766.

Present

His Excellency the Governor.

| | | | |
|--------------|----------------------------------|---------------------------------|---------------------|
| The Honble { | James Hasell | Alexander M ^c Culloh | } Esq ^{rs} |
| | Lewis DeRosset | William Dry | |
| | John Sampson | Robert Palmer & | |
| | H. Eustace M ^c Culloh | Benjamin Heron | |

His Excellency communicated to this Board His Majestys Order

in Council for repealing an Act "Intitled an Act for distributing Intestates Estates — Ordered a Proclamation issue to publish the same.

At a Council held at the Council Chambers at Newbern the 8th day of November 1766.

Present

His Excellency the Governor

| | | | | | |
|------------------------|---|-------------------------------------|---------------------------------|---|----------|
| The Hon ^{ble} | { | James Hasell | Alexander M ^c Culloh | } | Esquires |
| | | Lewis LeRosset | William Dry | | |
| | | John Sampson | Robert Palmer & | | |
| | | Henry Eustace M ^c Culloh | Benjamin Heron | | |

His Excellency laid before this Board, the Address of the House of Assembly in Answer to his Speech, and his Answer to the said Address, desiring their opinion thereon.

Upon which this Board unanimously declared their opinion, That the Charges in the said Address with respect to his Excellency's conduct, were altogether indecent, without foundation and unmerited; and that His Excellency in his Answer thereto has Governed himself with great propriety by the coolest dictates of moderation, And as what may be contained in the said Address relative to the rights of the Members of this Board constituting a Branch of the Legislature, That they will take proper notice thereof in their Journals as an upper House of Assembly.

At a Council held at the Council Chamber at Newbern the 14th day of November 1766.

Present

His Excellency the Governor.

| | | | | | |
|------------------------|---|-------------------------------------|---------------------------------|---|----------|
| The Hon ^{ble} | { | James Hasell | Alexander M ^c Culloh | } | Esquires |
| | | Lewis DeRosset | William Dry | | |
| | | John Sampson | Robert Palmer & | | |
| | | Henry Eustace M ^c Culloh | Benjamin Heron | | |

His Excellency in pursuance of an Act of Assembly of this Province Intitled an Act concerning Appeals and Writs of Errors, administered the following Oath to the members of the Council present Viz^t

"You swear that as a Member of the Council of this Province you will do right to all manner of persons according to the best of

your judgment and understanding of the Laws and Usages of the Kingdom of Great Britain.

So help you, God.

Mr Chief Justice Hasell reported to His Excellency in Council, that one John Turner was convicted at last Halifax Superior Court for Horse Stealing and now lies under sentence of Death, with a reprieve for six months from the time of conviction; and represented him as an object of mercy, he having been convicted by his own Confession and appearing to have been drawn into the Commission of the offence and to have otherwise the Character of an honest young man.

His Excellency taking the same into consideration is pleased to order that a reprieve for ninety nine years issue for the said John Turner and that the Secretary prepare it accordingly.

His Excellency then acquainted this Board that an intention hath been communicated to him for carrying a Bill into execution thro' this General Assembly for erecting a Publick Edifice at New Bern for the Governor for the time being, and as this measure has been recommended from the Crown, and will be a means of removing those inconveniences Governors of this Province have laboured under for want of a Proper House of Accommodation, particularly during the setting of the General Assembly and as such an Establishment has been made in almost every Colony of this Continent for their Respective Governors, His Excellency recommends all due support may be given to this Bill by His Majestys Council.

At a Council held at the Council Chamber in New Bern on Tuesday the 18th November 1766.

Present

His Excellency the Governor

| | | | | | |
|------------------------|---|------------------------|----------------------------|---|--------------------|
| The Hon ^{ble} | { | John Rutherford | Alex ^r McCulloh | } | Esq ^{res} |
| | | Lewis DeRosset | William Dry | | |
| | | John Sampson | Robert Palmer & | | |
| | | Henry Eustace McCulloh | Benjamin Heron | | |

His Excellency proceeded to hear a complaint exhibited by several of the Inhabitants of St Patricks Parish in the county of Dobbs against the Rev^d William Miller setting forth Several Acts of Immorality and ill behaviour and praying the said Mr Miller may not be inducted for that Parish.—Whereupon hearing and exam-

ining the evidences and finding the charge against the said Mr Miller not sufficiently supported and of a trifling nature, His Excellency was pleased to recommend the said Mr Miller to the Vestry of the Parish for a further Tryal of twelve months.

On motion of Mr Nash in behalf of James Robinson to set aside a Caveat entered by John Burnside against the said Robinson having Letters of Administration on the Estate of Thomas Burnside,

Ordered, That the Caveat be dismissed unless sufficient cause be shewn to this Board on Monday next and that letters issue accordingly.

At a Council held at the Council Chamber the 24th day of November 1766.

Present

His Excellency the Governor

| | | | | | |
|------------|---|------------------|----------------|---|-----------|
| The Honble | { | John Rutherford | William Dry | } | Esquires. |
| | | Lewis H DeRosset | Robert Palmer | | |
| | | John Sampson | and | | |
| | | H. E. McCulloh | Benjamin Heron | | |

John Burnside not appearing agreeable to the order of this Board on the 18th Inst—

Ordered that the Caveat be dismissed and that Letters issue accordingly to James Robinson.

On motion of Mr Swann on behalf of Sarah Price widow of James Price, Ordered that Letters testamentary issue agreeable to the prayer of the said widow to herself and Thomas Price.

At a Council held at the Council Chamber the 29th day of November 1776.

Present

His Excellency the Governor

| | | | | | |
|------------------------|---|------------------------|----------------------------|---|--------------------|
| The Hon ^{ble} | { | John Rutherford | Alex ^r McCulloh | } | Esq ^{res} |
| | | Lewis H DeRosset | William Dry | | |
| | | John Sampson | Robert Palmer & | | |
| | | Henry Eustace McCulloh | Benjamin Heron | | |

Ordered—That no County Court Clerk or Practicing Attorney in this Province shall be in the Commission of the Peace for the future

Ordered that all Commissions not renewed since the demise of Governor Dobbs, be rendered invalid after the 1st day of January next and that a Proclamation issue accordingly. Viz^t

By His Excellency William Tryon Esquire Captain General and Governor in Chief

A Proclamation

Whereas a Proclamation was issued upon the demise of Governor Dobbs the 3^d day of April 1765 commanding all officers both Civil and Military to hold themselves continued in their several places and employments during my pleasure, And whereas the Military Commissions in the several Countys throughout this Province have not been renewed since my appointment to this Government,

I therefore think fit by and with the advice and consent of His Majestys Council to issue this Proclamation declaring all Military Commissions void and of none effect which were issued before my appointment to this Government, that are not renewed by the first day of January next.

Given under my hand and the Great Seal of the said Province at Newbern the 29th November 1766.

His Excellency proceeded to amend and fill up the Commissions of the peace and compleated the same for the Countys of Anson, Beaufort, Bertie, Bladen, Brunswick, Bute, Carteret, Chowan, Currituck, Cumberland, Dobbs and Duplin.

Ordered the Commissions issue accordingly.

The Memorial of Henry Eustace McCulloh, to his Excellency in Council having been read in the Words—

“To His Excellency William Tryon Esq^r, Governor &c. in and over His Majestys Province of North Carolina in Council—

“The Humble Memorial of Henry Eustace McCulloh Sheweth

That your Memorialists Father, your Memorialist and some others for whom he is impowered to act being possessed of sundry Grants of Land within this Province, subject to a condition of settlement as by the said Grants on record in the Secretary's Office, will appear your Memorialist in December 1762, applied to the then Governor in Council for directions as to the method of making a return of the settlers, and effecting a surrender of the unsettled Lands, Whereupon the then Governor by and with the advice of His Majestys then Honble Council, was pleased to appoint and direct Colonel John Frohock and Nathaniel Alexander to proceed on Oath and make a return of the Settlers on the Lands held by your Memorialist and the others concerned in Mecklenburgh and Anson Counties, and the

Honble Col^o John Sampson by a further Order in Council as to such Lands as are held by your Memo^o Father in Duplin County.

That such returns made pursuant to such Orders in Council are now ready to be laid before your Excellency in Council, and your Memorialist on behalf of himself and the other persons for whom he is impowered to Act, Is ready and desirous to effect a surrender to His Majesty of their said Grants, after resurveying such parts thereof as they appear respectively entitled to, and may have sold or surveyed.

Your Memorialist therefore humbly prays Your Excellency in Council, to take the premises into consideration, and to make such order therein for the purposes aforesaid, as to Your Excellency in Council in your wisdom shall seem meet. "And your Memorialist as in duty bound shall &c.

HENRY E. McCULLOH.

His Excellency was pleased to take the same into consideration and to direct the returns therein mentioned, to be produced, which were accordingly produced and read, a copy of which His Excellency was pleased to order to be inserted in these Journals (as follows) and the Originals to be lodged in the Secretary's Office.

NORTH CAROLINA.

In pursuance of an Order of Council passed at Newbern the 10th day of December 1762, for Col^o Nathaniel Alexander of Mecklenburgh County, and John Frohock of Rowan County both of the province aforesaid, thereby requiring them to take an account of the number of white persons male and female, young and old, which were without Fraud resident on the several Barronies or Tracts of Land mentioned in said order in Council and they to return said amount under their hands and seals and certify the same to His Excellency in Council upon their Oaths, as soon as the Nature of the Affair would permit, as, by reference being thereunto had, may more fully appear. — We the said Nathaniel Alexander and John Frohock do hereby certify upon our Oaths, That there was to the best of our knowledge resident and settled without fraud on the several Barronies or Tracts of Land hereafter mentioned, in and about the month of March in the year 1760, the following number of white persons, to wit

On James McCullohs N^o West Barrony or Tract of 12,500 Acres of Land in the Tract known by the tract N^o 4 there were Thirty seven white persons settled and resident as aforesaid thereon in and about the month of March in the year 1760.

On his other Barrony or tract of 12,500 Acres of Land, in the tract N^o 4 there were forty one white persons settled and resident as aforesaid.

On Henry Eustace McCullohs Barrony or Tract of 12,500 Acres of Land, in Tract N^o 4 there were thirty three white persons settled and resident as aforesaid

On Penelope McCullohs Barony or Tract of 12,500 Acres of Land, in Tract N^o 4, there were twenty four white persons settled and resident as aforesaid

On John Campbells Barony or Tract of 12,500 Acres of Land in Tract N^o 4 there were thirty two white persons settled and resident as aforesaid

On two other Tracts or parcells of Land lying in Anson County containing 100,000 Acres, and known by the Tracts N^o 7 & 8 one of which Tracts is Split by Earl Granvilles boundary Line, there were fifty seven white persons settled and resident as aforesaid

In Witness whereof we the said Nathaniel Alexander and John Frohock have hereunto set our hands and seals this 9th day of October 1766.

“NATHANIEL ALEXANDER [SEAL]

“JOHN FROHOCK [SEAL]

Sworn before me this 9th day of October 1766

ALEX MARTIN J P.

NORTH CAROLINA—Ss

Felix Kenan, of Duplin County in the province of North Carolina, Esq^r deposeth and sayeth that he is and for many years past has been well acquainted with the surveys of Lands belonging to Henry McCulloh Esq^r in the said County, and is confident and well assured of his own certain knowledge, that there (at least) were one hundred and fifteen white persons including men women and children, actually and without fraud living and residing within the bounds and limits of the said survey on the 25 day of March 1760 and for some time before—And he verily believes there are now above twice that number residing on the said Lands

“FELIX KENAN.

Sworn to before me this 29th November 1766

JOHN SAMPSON.

In consequence of the above affidavit and of a former return made and sworn to before me, I do hereby return and certify that there were one hundred and fifteen white persons resident without Fraud within the Bounds of Mr McCullohs survey in Duplin County on the 25th of March 1760. — which return and certificate is made in consequence of two orders of the Governor in Council one bearing date in December 1762 — the other in April 1764.

JOHN SAMPSON.

His Excellency was then pleased to declare that he would take the matters of prayer of the said Memorial into consideration and signify his pleasure thereon — And to Order that Mr Attorney General take into his consideration the several papers necessary for that purpose and report his opinion as soon as may be whether such surrender can be made and accepted here — and if so in what manner.

Henry Eustace McCulloh as Attorney for George Augustus Selwyn Esq^r petitioned his Excellency that Col^o John Frohock and Nathaniel Alexander be directed to proceed under the like directions as contained in the aforesaid order in Council in December 1762, to take the number of settlers on the said Selwyns two Tracts of 100,000 Acres each in Mecklenburgh County known by the name of the Tracts N^o 1 & N^o 3 actually and *bona fide* resident thereon the 25th March 1760.

To which His Excellency was pleased to give his Assent, and to order accordingly And further that such returns be made and produced to him in Council on or before the 1st day of May next —

At a Council held at the Council Chamber at Newbern the 1st day of December 1766.

Present

| | | | | |
|------------------------|-----------------------------|-------------------|--------------------|------------|
| | His Excellency the Governor | | | |
| The Hon ^{ble} | { | John Rutherford | Alexander McCulloh | } Esquires |
| | | Lewis H. DeRosset | William Dry | |
| | | John Sampson | Robert Palmer & | |
| | | Henry E. McCulloh | Benjamin Heron | |

His Excellency having been informed that the business of this session of Assembly is now finished proposed to this Board the pro-

roguing the said Assembly till the beginning of June next. Ordered a Proclamation issue for that purpose Viz—

By His Excellency William Tryon Esq^r Governor and Commander in Chief &c.

A. Proclamation

Whereas the business of this present Session of Assembly is now finished I therefore think fit by and with the advice and consent of His Majestys Council to prorogue the said Assembly till the 8th day of June next then to meet at New Bern for the dispatch of publick business, and the said Assembly is prorogued accordingly—

Given under my hand and the Great Seal of the said Province &c.

Ordered that Dr John Eustace be reinstated in the Commission of the peace for the County of New Hanover, before the name of George Parker.

[B. P. R. O. AMERICA AND WEST INDIES. VOL. 270.]

Letter from John Stuart Superintendant to the Board of Trade

CHARLESTOWN 2^d December 1766.

I had the honor of writing your Lordships fully the 10th July and the 16th ult.

I am now to lay before your Lordships an Account of such matters as have occurred in the different Nations since I wrote the above mentioned Letters.

Governor Tryon of North Carolina agreed to have the Line dividing his Province from the Lands reserved by the Cherokees, run & marked as proposed by themselves, and was prepared to meet them for that purpose in September according to their appointment, but the great sickness and mortality which prevailed amongst those Indians, and the near approach of the hunting season induced them to postpone that service till the month of April next.

Lieutenant Governor Fanquier of Virginia has not enabled me to give them any answer to their request of continuing the Line behind his Province, which I communicated to him the 10th February last, and they express uneasiness at his silence, in their last letter to me, of which I send a Copy as well as abstracts of letters from M^r Cameron Commissary in the Nation, and M^r Price Commanding Officer

at Fort Prince George, which will give your Lordships an idea of affairs in that Country.

The Catawbas are reduced to an inconsiderable handfull, not exceeding sixty Gun men, a great many of whom with their chief were lately in this Town to visit our Governor, with whom they conferred in the Council Chamber; As I was not present at their Conference, I must beg leave to referr your Lordships to Lord Charles Montagu's account of what passed, his Lordship was also visited by a small party of Chickasaws, who many years ago deserted their Country and settled on Savannah River in this Province, and have no connection with their Countrymen.

The Nation of Chickasaws have for some time past been exceedingly distracted by the competition amongst the Traders; some of whom from their hatred of Order, so spirited up and worked upon their Indian Friends, that several attempts were made upon the life of Mr Mackintosh the Commissary, of which disorders the abstracts of letters herewith will give your Lordships some Idea; notwithstanding which they in general continue faithfull and constant in their attachment to us, and may be depended upon, should their Assistance at any time be wanted.

The Choctaws are generally well inclined and reconciled to our interest, altho' the French Inhabitants of New Orleans continue their intrigues and endeavour to keep up a Party among them, they also continue to trade with them and supply them with Rum and Brandy in considerable quantities, in order to put a stop to this Traffick, I have proposed that a Post be established with a Subaltern's Command on Pascagaula River, which by stopping their boats will effectually put an end to it, and prevent much disorder in the Nation. General Gage approves of the proposal and has referred me to the Brigadier General of that Department.

The Talks of the principal Choctaw Chiefs to my Deputy, of which I now send Copies, will point out to your Lordships the temper of that Nation, as well as the situation of affairs among them: they begin to be very pressing for presents, which were annually distributed among them by the French, which expence may be gradually saved, and will be rendered less necessary by their having good Traders established in their Towns under proper and wholesome regulations, but would at this time be of great use, especially should we be forced into a war with the Creek Nation, with whom they are already warmly engaged.

In my letter of 24th August 1765, I had the honor of submitting to your Lordships an estimate of the Presents that would be necessary for a Meeting of the Chocktaws, Chickasaws and small Nations on the Mississippi, and it will be incumbent upon me to endeavour by the best economy to moderate the other contingent expenses attending such a measure.

The small Tribes round Lake Pontchartrain and Maurepas and living on the eastern banks of the Mississippi are open to the French Traders and their machinations, yet of late their behaviour has been inoffensive, and while we retain the friendship of the Choctaws, they can always be awed into good order, a commissary, Armourer & Interpreter for them, to reside at Fort Bute, will be extremely necessary; for they will have it in their power to render the navigation of the Mississippi very difficult, if not impracticable.

This consideration suggested to me the Advantage, which might arise to his Majesty's service from collecting the scattered remains of the Natchez, and giving them a settlement in their own Country again. There may be from 150 to 200 Gun men of them remaining in the Cherokee, Creek and Chickasaw Nations; they still retain their language and customs, as well as the strongest resentment for the expulsion, and in a great measure the destruction of their nation by the French. I likewise encouraged the Pascagarda Indians to return to their old settlement on the River of that name, the French, upon the evacuation of that part of Louisiana, enticed them away, but failed in performing the promises which they made them; they attended at the Congress in West Florida and desired permission to return again, which Mr Johnstone had no objection to; these consist of about 130 men bearing arms.

A Party of Alibamon Indians who for many years were incorporated with the Creeks, left that Nation upon our taking possession of West Florida; they were permitted to settle upon Tombeckby River, but upon the war between the Creeks and Choctaws breaking out, they were insulted by both Parties, and are extremely desirous of a settlement remote from both. They applied to us for protection, and expressed to my Deputy an inclination to go and settle on the Banks of the Mississippi.

The Nation of Arkansas living on the western side of the Mississippi have repeatedly expressed their dissatisfaction at their treatment by the French, and an inclination for moving to our side, no Nation of Indians bear a better character for gallantry and generosity than

this little Tribe, consisting of about 220 Gun men. The French have a Fort and settlement in their Country, notwithstanding which all the authority and influence of the French Commandant could not prevent their shewing every mark of friendship to our Troops and Officers in their passage to the Illinois.

The Arkansas, Natchez and Alibamons so settled would amount to about 570 Gun men. They would sit down free from any attachment to the French, or Spaniards and under obligations to us; they would not consider themselves as Proprietors of the Lands: but settled upon them by His Majesty's permission and consequently be free from that jealousy which distracts the other Nations; joined with the faithful Chickasaws and Pascagoulas they would form a Body capable of aiding not only the other small Tribes, but even the Choctaws and larger Nations; they would secure to us the navigation of the Mississippi with safety and be a strong barrier against the incursions of the western Tribes in the interest of the French and Spaniards and by drawing off the Alibamons and Natchez still remaining in the Creek Nation, would weaken and render these less insolent, concerning which I hope to be honored with your commands, and if my ideas meet with your Lordships approbation I shall as soon as possible take steps for carrying it into execution.

In the letter which I had the honor of writing your Lordships the 16th ultimate I communicated what intelligence concerning the Creeks I received from West Florida, and the steps I proposed to take in consequence; since which I learn that upon application from Governor Johnstone and my Deputy in his Province, to those Indians to obtain satisfaction for the murder of Goodwin and Davis (two English Traders to the Chickasaw Nation) they had put the Ring-leader of the murderers to death, and were in pursuit of the rest; I have also received from the Lower Creeks an answer to the demand which jointly with Governor Wright, I made for satisfaction for the murder of some back-settlers of Georgia 14 months ago.

Governor Grant has lately received a fresh supply of Presents, and proposed that he and I should invite the Lower Creeks to meet us early in the Spring at Picolata in his Province; I have given it as my opinion, that the proposed meeting be postponed till the results of our demands for satisfaction be certainly known, and our differences with them settled, the hunting season will necessarily cause a delay of all transactions and negotiations with the Indians till the Spring, as they are all in the Woods at this time and will not

return to their villages before the end of March, or beginning of April, before which time we shall be able to judge of the Propriety of the Meeting proposed with more precision. It is reported that the Chickasaws and Choctaws jointly have destroyed some Creek Towns, which agree with the intelligence contained in the abstract of Mr Price's letter.

I have the honor to be &c^a

JOHN STUART.

[N. C. LETTER BOOK S. P. G.]

Mr. Woodmason's Account of North Carolina made in 1766.

A List of the Counties in North Carolina with the number of members each send to their General Assemblies. Which counties (by a late act) are raised into Parishes and endowed with £100 Stg. per ann^m for an Incumbent charged on the Public Treasury and under the Patronage of the Lord Bishop.

| NAMES. | TAXABLE PERSONS IN EACH COUNTY (I. E. WHITE MEN ABOVE 18 CAPABLE OF BEARING ARMS.) | NO. OF MEMBERS. |
|------------------|--|-----------------|
| Anson ----- | 800 | 2 |
| Beaufort ----- | 742 | 2 |
| Bertie ----- | 1634 | 3 |
| Bladen ----- | 1244 | 2 |
| Brunswick ----- | 186 | 2 |
| Bute ----- | 200 | 2 |
| Carteret ----- | 541 | 2 |
| Chowan ----- | 745 | 5 |
| Craven ----- | 1175 | 2 |
| Cumberland ----- | 652 | 2 |
| Currituck ----- | 709 | 5 |
| Dobbs ----- | 954 | 2 |
| Duplin ----- | 1085 | 2 |
| Edgecombe ----- | 1207 | 2 |
| Granville ----- | 2882 | 2 |
| Hallifax ----- | 2029 | 2 |
| Hertford ----- | 1393 | 2 |
| Hyde ----- | 604 | 2 |
| Johnston ----- | 899 | 2 |

A LIST OF THE COUNTIES, &c. — *Continued.*

| NAMES. | TAXABLE PERSONS IN EACH COUNTY (I. E. WHITE MEN ABOVE 18 CAPABLE OF BEARING ARMS.) | NO. OF MEMBERS. |
|--------------------|--|-----------------|
| Mecklenburgh ----- | 791 | 2 |
| New Hanover ----- | 446 | 2 |
| Northampton ----- | 1169 | 2 |
| Onslow ----- | 978 | 2 |
| Orange ----- | 2699 | 2 |
| Pasquotank ----- | 850 | 5 |
| Pitt ----- | 741 | 2 |
| Rowan ----- | 1486 | 2 |
| Tyrrill ----- | 996 | 5 |
| TOWNS. | 29706 which at 4 to a family (deduct- ing the Heads or Taxables) are 119,- | |
| Bath ----- | 164 Souls & but | 1 |
| Brunswick ----- | one or two clergy | 1 |
| Edenton ----- | of the Church of | 1 |
| Hallifax ----- | England among | |
| New Bern ----- | them. | 1 |
| Salisbury ----- | | |
| Wilmington ----- | | |
| Tarborough ----- | | |
| | Total ----- | 75 Members. |

As to North Carolina, the state of Religion therein is greatly to be lamented — If it can be said there is any Religion or a Religious person in it. A church was founded at Wilmington in 1753, another at Brunswick in 1756 the Walls of each are carried up about 10 or 12 feet and so remain. Gov^r Dobbs used great endeavours to get these Buildings finished and to lay out Parishes — But lived not to effect it — But the present Governor has got an act passed for a church to be built in each Parish or district and church matters settled on the plan of S^c Carolina — He has given public notice here to the clergy — Inviting them to come abroad promising of them his protection encouragement and support: at the same time mentioning what numbers of Sectaries over spread the country & the danger that not only the church Established but even Religion itself will be totally lost and destroyed if not quickly attended to.

Here is an opening — a large Harvest for all that are sincerely disposed to act for the Glory of God and the Good of Souls. How many thousands who never saw much less read or ever heard a chapter of the Bible! How many ten thousands who never were baptized or heard a sermon? and thrice ten thousand who never heard of the name of Christ, save in curses and execrations! Lamentable! Lamentable is the situation of these people, as to spirituals, even beyond the power of words to describe.

There are two or three Itinerant Ministers in the northern part (or Lord Granville's Division) of the Province and several small chapels are built in that district — But not a church or Minister in any one Town of this Province Maritime or Inland.

In the Back part of this Country between the heads of Pedee & cape Fear Rivers is a District of 12000 acres formerly granted to Whitfield and by him sold to Count Zinzendorf — It is very rich Land situated just at the foot of the Lower Hill and where the springs take their rise, that form these great Rivers above mentioned. The spot is not only Rich fertile & luxuriant but the most romantic in nature. Sir Philip Sidney's description of Arcadia falls short of this real Arcadia Georgia Circassia Armenia, or whatever region it may be compared too. To this spot Zinzendorf transplanted his *Hernbutters*; who being joined by others from Pennsylvania & elsewhere now form a very large and numerous body of people acting under their own Laws and ordinances, independent of the community constitution or Legislature, in and over of them. They are a set of *Recabites* among the people of *Israel* — Forming a distinct body different in all things from all people — Here they have laid out two Towns — Bethlehem & Bethseda; delightfully charming! Rocks Cascades Hills Vales Groves Plains Woods Waters all most strangely intermixt, so that imagination can not paint any thing more vivid. They have Mills Forges Furnaces Potteries Founderies all Trades and things in and among themselves — Their manners are not unlike the *Dunkers* of *Pennsylvania*. Like them they have all things (save women) in common, and receive to their community persons of all Nations Religion & Languages. They are seated near some valuable copper mines from which they draw great advantages; and having all things free, setting all hands at Work according to their ability (for they are all *Bees* not a Drone suffered in the Hive) what they do not consume they sell in the adjacent Territory, receiving for their Meal

Flour Earthen ware Peach Brandy whiskey Tools of Iron & utensils of copper wood & Turnery wares &c. &c. Deer Skins Fox Otter Raccoon and other furs & Peltry — These they send off to Virginia on the one hand and into South Carolina on the other, receiving in return Rum Sugar Linen & Woolen Goods Pewter & Tin wares and other necessaries.

Africk never more abounded with new Monsters than Pennsylvania with New Sects who are continually sending out their Emmissaries around — one of these parties known by the Title of *New Lights* or the *Gifted Brethren* (for they pretend to Inspiration) now infect the whole Back country and have even penetrated South Carolina — One of C. W's strongest endeavours must and will be to disperse these wretches which will not be a hard task as they will fly before him as chaff — Some of them lately killed a travelling Person and cut him into atoms singing Hymns making processions and Prayers and offering up this inhuman sacrifice to the Deity as an acceptable oblation. Six of them were secured and brought down to Charles Town where they were kept Six months. During which period not all the expostulation reasonings & remonstrances of our Gentry & clergy could make any impression on their diabolical minds or bring them back to reason or reflection — One of the principals was hang'd and that made impression on them, and after some Months confinement they showing marks of penitence & contrition were banished the Province.

Lately they took another extraordinary step For after deluding a Rich Planter, wasting his substance and perverting his understanding — One of their Teachers pretended to work Miracles and declared that he had power equal with Christ and that *God* had given him authority even to raise the *Dead* — and that to evince his assertion he would raise the first Dead Body they should meet with. The bigoted Planter had not such strong faith but that he called on him to realize his assertions — this now pleased the Villain and put him on a scheme how to deceive his votary and bring himself off — So one of the Fraternity was procured & promptly he tried to counterfeit himself dead & to revive on certain Prayers & Breathings being uttered over him — accordingly this abominable farce was play'd. The fellow lay as dead — The pretended prophet prays anoints, exercises and calls on the seemingly inanimate Wretch to *arise* — But whether the fellow kept his breath so long as to suffer suffocation or the exorcist made his conjurations too long

certain it was the Wicked Wretch was really gone, and by playing the Fool too well was with great difficulty recovered — The person thus imposed on was M^r *Skinking Moore* of Little River, the Boundary between the two Carolinas. This Moore was always reckoned a sensible man nor was his senses so far darkened by these factinations but for him to perceive some gross delusions some great deceptions. These children of Satan gave out that the party was in a Trance — and they would have persuaded the unhappy victim, to have uttered blasphemies and prophesies, as matters revealed to him, while his Soul had left the Body, & till the reentering his Hous of Clay. But the poor Sinner's pain had been so great & the sense of his Guilt bore so heavily on his mind, as to make him confess the whole cheat to M^r Moore & thereby recover him from his Lethurgy but not to his Estate which he had so foolishly lavished on them.

The most zealous among the Sects to propagate their notions & form establishments are the anabaptists. When the Church of England was established in Carolina the Presbyterians made great struggle but finding themselves too weak, they determined to effect that by cunning (the principles they work by for they are all Males) which strength could not effect — Wherefore as Parish churches were built only along the Sea coast they built a sett of Meeting Houses quite back behind in the interior parts, Imitating the French — who by making a chain of Forts from Canida to Louisiana endeavour'd to circumscribe the English & prevent the extension of their Trade — So did the Presbyterians with our Church — If they could not *suppress* they would *cramp* the progress of the Liturgy and church established — and accordingly did erect Meeting Houses as aforesaid — None of the Church opposed them and the Almighty by taking these people in their craft have suffered them to fall into the Nett they spread for others. For the Anabaptists of Pemsylvania resolving themselves into a Body & determined to settle their principles in every vacant quarter began to establish Meeting Houses also on the Borders — And by their address and assiduity have wormed the Presbyterians out of all these their strongholds & drove them away — So that the Baptists are now the most numerous & formidable body of people which the Church has to encounter with in the interior and back parts of the Province & the antipathy that the two Sects bear each other is astonishing —

Wherefore a Presbyterian would sooner marry ten of his children to Members of the Church of England than one to a Baptist — The

same from the Baptists as to the Presbyterians—their rancour is surprising—but the Church reaps great good by it and thro' their jealousies gains ground on them very fast. But the Baptists have great prevalence & footing in North Carolina & have taken such deep root there that it will require long time and pains to grub up their layers.

The manners of the North Carolinians in general are vile & corrupt the whole country is a stage of debauchery dissoluteness & corruption, and how can it be otherwise? The people are composed of the Outcasts of all the other Colonies who take refuge there—The Civil force is hardly yet established—But they are so numerous—The necessities of Life are so cheap & so easily acquired & propagation being unrestricted that the increase of people there is inconceivable even to themselves—

Marriages (thro' want of Clergy) are performed by every ordinary Magistrate—Polygamy is very common—Celibacy much more—Bastardy no disrepute, Concubinage general. When will this Augien Stable be cleansed!

[ENCLOSED IN GOVERNOR TRYON'S LETTER.]

A Return of the Lists of Taxables in the Province of North Carolina for the year 1766.

| COUNTIES | WHITE MEN TAXABLES | BLACKS & MULATTOES MALE & FE- MALE | TOTAL NUMBER OF TAX- ABLES. |
|------------------|-----------------------|---|--------------------------------------|
| Anson ----- | ---- | ---- | 786 |
| Beaufort ----- | 432 | 476 | 908 |
| Bertie ----- | ---- | ---- | 1745 |
| Bladen ----- | ---- | ---- | 1262 |
| Brunswick ----- | 229 | 1177 | 1406 |
| Bute ----- | 1172 | 967 | 2139 |
| Carteret ----- | 460 | 269 | 729 |
| Chowan ----- | 616 | 1082 | 1698 |
| Craven ----- | 1391 | 1298 | 2689 |
| Cumberland ----- | 900 | 387 | 1287 |
| Currituck ----- | ---- | ---- | 875 |

A RETURN OF THE LISTS OF TAXABLES — *Continued.*

| COUNTIES. | WHITE MEN TAXABLES | BLACKS & MULATTOES MALE & FE- MALE. | TOTAL NUMBER OF TAX- ABLES. |
|-------------------|-----------------------|--|--------------------------------------|
| Dobbs ----- | 1211 | 643 | 1854 |
| Duplin ----- | 883 | 359 | 1242 |
| Edgcomb ----- | ----- | ----- | 2066 |
| Granville ----- | 926 | 809 | 1735 |
| Halifax ----- | ----- | ----- | 2894 |
| Hertford ----- | ----- | ----- | 1667 |
| Hyde ----- | 430 | 286 | 716 |
| Johnston ----- | 1003 | 511 | 1514 |
| Mecklenburg ----- | ----- | ----- | 1461 |
| New Hanover ----- | 507 | 1531 | 2038 |
| Northampton ----- | ----- | ----- | 2497 |
| Onslow ----- | ----- | ----- | 1192 |
| Orange ----- | 3324 | 649 | 3973 |
| Pasquotank ----- | 740 | 606 | 1346 |
| Perquimans ----- | 527 | 1017 | 1544 |
| Pitt ----- | 798 | 470 | 1268 |
| Rowan ----- | ----- | ----- | 3059 |
| Tyrrell ----- | 634 | 386 | 1020 |
| | 16183 | 12923 | 48610 |

BOARD OF TRADE

[B. P. R. O. JOURNALS B. T. VOL. 74.]

At a Meeting of His Maj. Comm^{rs} for Trade and Plantations
SATURDAY August 9 1766.

Present

M^r EliotM^r RobertsM^r Fitzherbert.

Lord Palmerston

[P. 300.]

Several letters and papers received at various times from the Governors of His Maj. Colonies & Plantations were laid before the Board and ordered to be entered on the respective Books to which they appertain.

VOL. VII—19

[P. 320.]

Letter from William Tryon Esq. Gov^r of North Carolina dated 27 Jan^y 1766 relative to the temporary line of partition between that Province & So. Carolina and the line of partition between the lands belonging to the Crown and those marked out for Earl Granville & including Five plans respecting the said Lines.

Letter from Gov^r Tryon dated 1 Feb 1766 relative to M^r Simpson's trial the seizure & condemnation of two Vessels, calling a New Assembly, Chief Justice Berry's death, state of the Council and the Stamp Act.

Letter from Gov^r Tryon dated April 30, 1766 relative to M^r Wyley's Survey of the Catawba lands and the Ports in that Province

Letter from Gov^r Tryon dated 30 April 1766 relative to the conduct of Chief Justice Hasell & Judge Moore, the trade of the Province, prorogation of the Assembly and clearance of ships without stamped paper.

Letter from M^r Houston to Gov^r Tryon April 21, 1766 respecting his Commission of Distributor of stamps

Letter from M^r Hughes Comm^r of the Dock Yard at Portsmouth to Gov^r Tryon dated 27th April 1765 concerning some fine plank sent to him by the Gov^r

Minutes of Council from 3 April 1765 to 26 Feb. 1766—also from 7 April to 28 Nov. 1764 Journal of the Up. House of Assembly in Nov. 1764 and of the Lower House in Nov. 1764

Letter from Gov^r Tryon dated 6 May 1766 relative to the behaviour of Col. Thos. Lloyd who was recommended by the Gov^r to be of the Council

Letter from Phil. Stephens Esq. Sec^y to the Lords of the Admiralty to M^r Pownall dated 21 April 1766 acquainting him that M^r Simpson had surrendered himself to Gov^r Tryon & had been tried & acquitted.

Letter from the Bishop of London to the Board dated 1 March 1766 containing his opinion relative to an Act for the establishment of an Orthodox clergy in North Carolina.

THURSDAY November 6th 1766

Present

Earl of Hillsborough

M^r RobertsM^r Fitzherbert.

[P. 377.]

The Secretary laid before the Board several letters and papers (the titles of which are as follow) received from the Governors and other Chief Officers in His Maj. Colonies and elsewhere since the adjournment of the Board on 3rd Sept. and the said letters & papers having been read, it was ordered that copies of several of them not appearing to be duplicates of what may have been transmitted to the Secretary of State should be made to be communicated to the Earl of Shelburne and that the Secretary should transmit such copies to his Lordship's Secretary for that purpose

[P. 392.]

Letter from Gov^r Tryon dated 1st Aug. 1766 relative to the present state of defence of that Province

Return of the Garrison of Fort Johnston 26th April 1766

Return of Artillery stores & ammunition at Fort Johnston 26th Ap. 1766

Return of the Arms & Accoutrements at Fort Johnston 36th Ap. 1766.

Letter from Gov. Tryon dated 2^d Aug 1766 concerning the receipt of his instructions, scarcity of corn, state of the Council and persons proper to supply vacancies, temper of the people, increase of settlements—removal of some of the Tuscaroras and Capt. Dalrymple's death.

Copy of an Address of the Corporation of Wilmington to the Gov^r on the repeal of the Stamp Act & of the Gov^r's Answer

Copy of a letter from the Mayor &c. of Wilmington to the Governor and the Gov^r's Answer.

Minutes of Council 28th June 1766

Letter from Gov^r Tryon dated 2^d Aug. 1766 transmitting

Account of Patents granted for Lands during his administration

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

LEGISLATIVE JOURNALS.

NORTH CAROLINA—SS.

At an Assembly begun and held at New Bern the 30th of October in the year of our Lord one thousand seven hundred and sixty six

and continued by Prorogation until the 3^d day of November following in the seventh year of the reign of our Sovereign Lord George the third by the Grace of God King of Great Britain &c^a being the first Session of this Assembly.

In the Upper House

Present

| | | | | | |
|------------|---|--------------------------------|---------------------------------|---|-------------------|
| The Honble | { | James Hasell | Alexander M ^c Culloh | } | Esq ^{rs} |
| | | Lewis DeRosset | William Dry | | |
| | | John Sampson | Robert Palmer & | | |
| | | Henry E. M ^c Culloh | Benj ^a Heron | | |

The House appointed Hawks Mace Bearer and Edward Saul Sergt at Arms to this House in the room of Richard Jones deceased and John Springs removed—

Then the House adjourned till 10 o'clock tomorrow morning—

Tuesday Morning 4th November 1766.

The House met according to adjournment.

Present

| | | | | | |
|------------------------|---|--------------------------------|---------------------------------|---|----------|
| The Hon ^{ble} | { | James Hasell | Alexander M ^c Culloh | } | Esquires |
| | | Lewis DeRosset | William Dry | | |
| | | John Sampson | Robert Palmer | | |
| | | Henry E. M ^c Culloh | Benj ^a Heron | | |

John Burgwin produced to this House His Excellency the Governors Commissions appointing him the said John Burgwin Clerk of this House, which was ordered to be read, the same was accordingly read and the said John Burgwin took the several oaths by Law appointed for the qualification of Public Officers and subscribed the Test.

Then His Excellency the Governor came to this House and was pleased to command the immediate attendance of the Speaker and Assembly in the upper House, who accordingly attended—And then His Excellency was pleased to deliver to both Houses the following Speech Viz^t

HONBLE GENTLEMEN, MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY.

I have been prevented by many evident reasons from earlier meeting of you, since his Majesty honored me with the appointment to the Government of this Province a trust of so great Honor and

importance, that nothing diffident as I am of my own Abilities, but the powerful inclination, I feel to render my services acceptable to His Majesty by making them beneficial to this Colony could encourage my endeavours in the discharge of so high an office.

I have now Gentlemen the pleasure to acquaint you that four Acts of the last Session of Parliament have been transmitted to me.

The first, for securing the just dependancy of the Colonies on the Mother Country,

Second, For the repeal of the Act for granting certain stamp duties in America

Third, For indemnifying persons who have incurred certain penalties inflicted by the preceding Act &c^a

Fourth, For opening and establishing certain Ports in the Islands of Jamaica and Dominica and for other purposes set forth.

Printed copies of these several Acts I shall order to be laid before you as also by his Majesty's Command the Resolutions of the House of Commons, these will shew you the sense of the House on these points.

The moderation and Paternal care of His Majesty for the Colonies and the unbounded lenity and indulgence of the Parliament so signally displayed in those Acts cannot but dispose the Inhabitants of this Province to the most cheerful obedience to the Legislative Authority of Great Britain and to the Sentiments of the most respectful gratitude to his Majesty and Parliament for such peculiar indulgence and condescension. I am even authorized to say that so full of true magnanimity are the sentiments of both and so free from the smallest colour of passion or prejudice that they seem disposed not only to forget but to forgive those marks of our undutiful disposition testified in the late transactions of the Colonies: animated by those glorious sentiments of His Majesty and the British Parliament, I am happy to follow such shining examples in relation to the Public distractions I myself unhappily experienced.

I am persuaded it will be the glory of this Assembly to adopt and imitate those sentiments of the British Parliament, founded on the clearest principles of humanity and justice; what conduct and behaviour you Gentlemen should observe on this occasion I will leave to the candor of such whose principles are actuated by those noble virtues, generosity, honor and gratitude.

I am to acquaint you Gentlemen of an Indian Petition delivered to me last Summer by a Sachem of the Tuscarora Tribe settled in

the Mohocks Country, for the removal of the Tusks Inhabitants of Bertie County, As their request was made agreeable to the Inclination of S^r W^m Johnston and with the approbation of Mr Stewart Superintendant of Indian Affairs, I granted the Chief permission to conduct as many Indians as are willing to accompany him to join the Six Nations, leaving the merits of the petition for the deliberations of this Assembly; As my correspondence with the late Atty. General will best explain my sentiments on this Business I shall order that correspondence and the Indian Petition be laid before you, requesting your assistance and concurrence therein.

Gentlemen of the House of Assembly,

Upon a review of the several establishments of Public Employments in this Province I am of opinion some of the emoluments are inadequate to the services required from the Officers employed in them; I will instance at present, that of the Sheriffs; A Sheriff as an Officer of the Revenue, and being vested with many executive powers, holds an employment of great Trust and importance: how far this Trust has been executed with fidelity and punctuality in many Counties, the Treasurers Accounts will certify. I therefore submit it to you as a remedy to prevent the future neglect or embezzlement of Sheriffs, to double the Commission now allowed on their Collection of Taxes out of which a stipend for a Deputy might be allowed; such an establishment would place the Sheriff upon a proper respectable footing and induce Gentlemen of the just probity and most responsible to offer themselves as candidates for that active and important Office. I am persuaded and hope you will concur with me in opinion that the office so established and filled will give more general relief to the Inhabitants as well as credit to this Country, and what is of no small consideration, bring more money into the Treasury.

I must next Gentlemen recommend to your most serious consideration the State of your Public Funds in order to ascertain the real sum in the Treasury, to point out some form by which the Treasurer may be directed to specify in their Accounts the receipts and expenditures for the current or contingent services annually, as also what sums remain in the Treasury as well as what is due from the respective Officers of the Public Receipts. An inspection and regulation of this kind would introduce order and certainty into the Public Accounts which must give great satisfaction to the Country in General and to those Counties in particular whose Taxes

though regularly collected and paid in have yet been obliged to share the burthen of the deficiencies of others, either not fairly collected or misemployed.

The resolve of the Legislature for the Military Establishment of Fort Johnston having expired some time since, I ordered upon the Credit of the Public that Establishment to be continued together with some necessary repairs to the works, the disbursements on which shall be laid before you, The Artillery and Stores of this Fort being too valuable not to claim the attention of the Public, and as a larger Body of Men than was voted by your last Resolve is really necessary for the preservation and security of the same, I should recommend and wish to see the Establishment augmented

Many of the Public Acts being near expired, I leave the propriety of entering into the consideration of them at this time to your Judgment The system of the Court Laws are found by experience to be on so good an establishment, and afford so easy and regular administration of Justice under the present situation and circumstances of the Country that they appear to want nothing to give them a greater efficacy and dignity but a longer duration with handsome Salaries appointed to the assistant or Associate Judges for such Gentlemen of the Law as may fill those offices.

Other matters which will be the subject of your consideration I may have occasion to communicate to you in the course of this Session.

Honorable Gentlemen and Gentlemen of the House of Assembly,

The Harmony and good understanding that so generally subsists in all ranks through this Province gives me the most sensible satisfaction as it affords me the most pleasing prospect of a happy issue to this general meeting, and that the business of this Session will be carried on with temper, unanimity and dispatch.

On motion, ordered that His Excellencys Speech be read, which was accordingly done, and then on further Motion the House Resolved itself into a Committee of the whole House to take into consideration His Excellency's Speech and chose for chairman the Honble William Dry Esquire who took the chair accordingly — after some consideration the committee came to several Resolutions and then on motion the Honble Mr President resumed his Seat.

The Chairman reported that the Committee had taken under consideration the subject matter of His Excellencys Speech and pro-

posed certain heads for an Address in answer to the said Speech which he laid before the House and was agreed to, and the Honble Robert Palmer and Benj^a Heron Esq^r were appointed to draw up an address accordingly.

On motion, ordered that next Friday be set apart for the consideration of the standing rules and Orders of the House and for general amendments of the same.

On motion, Resolved that the Honble Lewis DeRosset and John Sampson and Henry Eustace McCulloh be appointed a Committee of this House to meet a Committee of the Assembly to consider of the decorum hereafter to be observed between the two Houses and of the sums to be allowed to the Clerks and others in future Estimates, and report the same, which after being agreed to by this House and the Assembly and entered on the respective Journals thereof shall be the rules to be observed for the future as to the decorum of the two Houses and for making out the Estimate &c, And ordered that the following Message be sent to the Assembly,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

As this House have nothing more at heart than the preservation of that good order and harmony which every friend of the Public must wish to see subsist cordially between the two Houses, We have taken into consideration a former proposal of appointing Committees to establish the decorum of the same, and have appointed the Honble Lewis DeRosset, John Sampson and Henry E. McCulloh Esq^r a Committee of this House to consider and Report upon the Decorum to be observed in the future transacting of the Public Business, between the two Houses; and also as to the sums that shall hereafter be allowed on the Estimates for the Extra Services of the Clerk and the Clerks of the several Committees and other Clerks occasionally employed, which after being concurred with by the two Houses and entered on the respective Journals thereof, shall be the rules to be observed for the future as to their decorum and for making out their Estimates. In conjunction with such of your Members as you shall think proper to appoint.

By order

J. BURGWIN Clk.

1th Nov 1766.

Received from the Assembly p^r Mr Fanning and Mr Frohock the following message Vizt.

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL

This House have appointed Mr Harnett, Mr Harris, Mr Cray, Mr Person, Mr Hewes, Mr Dawson, Mr Johnston, Mr Fanning, Mr Chas Blount a Committee of this House to state and settle the Public Accounts of this Province, And Mr Caswell, Mr Benton, Mr Frohock, Mr Waddell, Mr Vail, Mr Barron, Mr Haywood, Mr Bradford, Mr Paine, Mr Pollock, Mr. Respis, Mr Loyd and Mr Spencer to settle and allow the Public Claims of this Province in conjunction with such of your Honors as you may think proper to appoint

JOHN HARVEY Speaker

By order W^m HERRITAGE Clk.

4th Nov. 1766.

On motion the above message was read, and ordered that the following Message be sent to the Assembly Viz^t.

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

In answer to your Message relative to the Committees, We have appointed the Honble Alex McCulloch, W^m Dry, Robert Palmer a Committee of this House to examine state and settle the Public Accounts and the Honble Lewis DeRosset, John Sampson and H. E. McCulloh a Committee of this House to settle and allow the Public Claims.

4th November 1766

Then the House adjourned till 11 o'clock tomorrow morning.

Wednesday Morning 5th Nov. 1766.

The House met according to Adjournment.

Present

| | | | | | |
|------------|---|----------------|--------------------|---|----------|
| The Honble | { | James Hasell | Lewis DeRosset | } | Esquires |
| | | John Sampson | Henry E. McCulloh | | |
| | | Alex McCulloch | W ^m Dry | | |
| | | Robt Palmer | Benj Heron | | |

The Committee appointed by this House to draw up an Address in Answer to His Excellency's Speech reported that they had prepared the same which was ordered to be read, the same was read and approved and Resolved that it stand the address of this House and be entered on the Journals thereof as follows, Viz^t.

TO HIS EXCELLENCY WM TRYON ESQUIRE HIS MAJESTYS, CAPTAIN,
GENERAL AND GOVERNOR-IN CHIEF IN AND OVER THE PROVINCE
OF NORTH CAROLINA,

May it please your Excellency,

We his Majestys most dutiful and Loyal Subjects the Members of His Council, return your Excellency our hearty thanks for your Speech at the opening of this Session; It gives us the highest satisfaction that we have an opportunity of congratulating your Excellency on your appointment to the Government, and at the same time to express our most grateful acknowledgements for your very affectionate regard, to render your services acceptable to His Majesty by making them beneficial to this Province; which laudable endeavours, We most fervently hope will meet with the desired success.

We thank your Excellency for communicating to us the several Acts of Parliament together, with the Resolutions of the House of Commons, on which points, we cannot but acknowledge our insufficiency to Express our loyalty to his Majesty, respectful gratitude to the Parliament and dutiful affections to our Mother Country for their peculiar regard and tenderness to the Colonies; Flattering ourselves all disturbances are at an end. That your Excellency's Administration will be long, and blessed with every happiness, and that our conduct on all occasion, will evince our steady Resolution to endeavour to imitate such shining examples and adopt these sentiments.

When the matters relative to the Tuscarora Indians come before us, we shall take them into our serious consideration; and shall most readily concur with the other House in every matter recommended by your Excellency, tending to the benefit and advantage of this Province.

We desire to express our ardent inclination to keep up and support the general good harmony subsisting through the Province, more particularly at this general Meeting and beg leave to assure your Excellency that our best services on every occasion, shall be employed to render your Excellency's Administration easy and happy.

Then the House adjourned till 10 o'clock tomorrow morning.

Thursday Morning 6th November 1766

The House met according to adjournment

Present

| | | | | | |
|------------------------|---|-----------------------------|---------------------------------|---|----------|
| The Hon ^{ble} | { | James Hasell | Alexander M ^c Culloh | } | Esquires |
| | | Lewis DeRosset | William Dry | | |
| | | John Sampson | Robert Palmer & | | |
| | | H. E. M ^c Culloh | B Heron | | |

This House waited on His Excellency the Governor and by the Honble Jas Hasell Esq^r presented him with their Address to which his Excellency was pleased to make the following Answer

HONORABLE GENTLEMEN,

I thank you for your congratulations on my succession to this Government; for the favorable attention you are ready to pay to the points I recommended to your consideration; and for the offers of your best services towards the Honor of my administration

The Loyalty and attachment you have at all times testified for the Honor and Dignity of the Crown, your professed gratitude and affection, at this time for the Parliament and the Mother Country; with your sentiments of tender regards for the welfare and happiness of the Inhabitants here will I am persuaded recommend you to his Majestys favor, to the Honorable opinion of the Parliament, and to the esteem and good will of the people of this Province

Then the House adjourned till 10 o'clock to morrow morning

Friday Morning 7th November 1766.

The House met according to adjournment

Present as before.

Received from the Assembly by Mr Fanning and Mr Persons the following Message Viz^t

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

In answer to your Message of the 4th Instant regarding the Committee by your Honours to settle the decorum between the two Houses, this House have appointed Mr Harnet, Mr Robt Howe, Mr M. Moore, Mr Elmsley, Mr Johnston and Mr Ashe a Committee thereof to join the Committee appointed by your Honours for that purpose

JOHN HARVEY Sp.

By order W^m HERRITAGE Clk

7th November 1766.

Then the House adjourned till tomorrow morning 10 o'clock.

Saturday Morning 8th November 1766.

The House met according to adjournment.

Present as before.

Received from the Assembly by Mr Jacob Blount and Mr Maur Moore a Bill for appointing a Public Treasurer in the room of John Starkey Esq deceased.

Then the House adjourned till Monday Morning 10 o'clock

Monday Morning 10th November 1766.

The House met according to adjournment, .

Present as before

On motion, A Bill for appointing a Public Treasurer in the room of John Starkey Esquire, was ordered to be read. Read the first time and passed.

Receiv'd from the Assembly by Mr Frohock and Mr Spencer, a Bill for the relief of such persons as have suffered or may suffer by not having had their deeds and mesne conveyances proved and registered within the time heretofore appointed for such purposes, On motion read the first time and passed

Received from the Assembly by Mr Fanning and Mr Benton a Bill for confirming a lease made by the Tuscarora Indians to Robert Jones Junr William Williams and Thomas Pugh Esquires. On motion read the first time and passed.

Received from the Assembly by Mr Benton and Mr Harris the following Bills, to wit,

A Bill to amend an Act Intituled an Act for Establishing the Titles of the freeholders in Edenton for laying a tax for finishing the Church begun in the said Town and for the further improvement and better regulation thereof

A Bill to continue an Act Intituled an Act to suppress excessive and deceitful gaming. On motion read the first time and passed.

A Bill to continue an Act for appointing a Militia. On motion read the first time and rejected.

A Bill for the further continuing an Act Intituled an Act for the restraint of Vagrants, On motion read the first time and passed,

A Bill to revive and continue an Act for the more effectual suppression of felonies and punishment of counterfeiters of the paper

currency of this Province and of Virginia, On motion read the first time and passed

Reed from the Assembly by Mr Barrow and Mr Respass a Bill to impower the Justices of Beaufort County to Build a Court House prison and stocks in Bath Town for the use of the said County,

Received from the Assembly by Mr Knox and Mr Person a Bill for Facilitating the navigation of Port Bath, Port Roanoke and Port Beaufort

Then the House adjourned till 10 o'clock tomorrow morning.

Tuesday Morning 11th November 1766

The House met according to adjournment.

Present as before.

Received from the Assembly by Mr Paine and Mr Moore the following Bills,

The Bill to prevent the entering up of Judgments by confession in certain cases, on motion, read the first time and rejected.

A Bill to encourage Benjamin Heron Esquire to build a bridge over the North East branch of Cape Fear River at or near the place where the ferry is now kept by Edward Davis, On motion read the first time and passed.

A Bill for the relief of such persons as have suffered, by not having their deeds and mesne conveyances proved and registered within the time heretofore appointed for such purposes,

Received from the Assembly by Mr Vail and Mr Benton a Bill for appointing a public Treasurer in the room of John Starkey Esq^r deceased

Received from the Assembly by Mr Paine and Mr Blount the following Bills, to wit,

A Bill for the further continuing an Act Intituled an Act for the restraint of vagrants and for making provision for the poor and other purposes, On motion read the second time amended and passed,

A Bill to revive and continue an Act for the more effectual suppressing of Felonies and punishment of counterfeiters of the paper currency of this Province and of Virginia,

On motion read the second time and rejected

A Bill to continue an Act Intituled an Act to suppress excessive and deceitful gaming On motion read second time amended and passed,

Then the House adjourned till 10 o'clock tomorrow morning

Wednesday Morning 12th November 1766

The House met according to adjournment

Present as before,

On motion the following Bills were ordered to be read, to wit,

A Bill to empower the Justices of Beaufort County to build a court house, prison and stock in Bath Town for the use of the said County read the first time and passed.

A Bill to amend an Act Intituled an Act for establishing the Titles of the Freeholders in Edenton for laying a tax for finishing the Church begun in said Town and for the further improvement and better regulation thereof, read the first time and passed.

A Bill for the relief of such persons as have suffered or may suffer by not having had their deeds and mesne conveyances proved and registered within the time heretofore appointed for such purposes read the second time amended and passed.

A Bill for appointing a public Treasurer in the room of John Starkey Esq^r deceased, read the second time amended and passed

Received from the Assembly by Mr Harris and Mr Recess the following Resolve, Vizt.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

We herewith send you the Petition of William Shaw and two Certificates relative thereto: and also the Resolve of this House thereon, and desire your Honours concurrence thereto

JOHN HARVEY Speaker,

By order W^m HERITAGE Clk.

12th Nov 1766.

NORTH CAROLINA—SS.

Tuesday the 11th November 1766. In the Assembly,

Read the Petition of William Shaw setting forth he has been in the service of this Province against the French and Indians on the Ohio, Praying such allowance or provision as this House shall think proper.

The House taking the same under consideration

Resolved, the Petitioner be allowed and paid during his natural life by the Public Treasurers of this Province out of the contingent Tax the sum of Twenty pounds immediately for the present year and ten pounds p annum so long as he shall afterwards live, a certificate being produced before the receipt of each annuity to the

Treasurer from whom the same shall be received from the Court of the County where he the said William Shaw shall reside at the time the said annuity shall be requested from such Treasurer, that he the said William Shaw is alive

Resolved the above Resolve be sent to His Excellency the Governor and Council for concurrence

JOHN HARVEY Sp,

By order W^m HERITAGE Clk.

11th November 1766

12 November 1766. In the upper House concurred with

By order J. BURGWIN Clk.

Received from the Assembly by Mr Smith and Mr Clay the following Bills, to wit,

A Bill for the relief of such persons as have suffered or may suffer by not having had their deeds and mesne conveyances proved and registered within the time heretofore appointed for such purposes, On motion read the third time and passed, Ordered to be engrossed,

A Bill to empower the Justices of Beaufort County to build a Court House, prison and stocks in Bath Town for the use of the said County, On motion read the second time & passed.

A Bill for establishing a school House in New Bern

Received from the Assembly by Mr Ashe and Mr Paine the following Viz^t

A Bill for erecting part of Rowan County and part of Orange County into a separate County by the Name of——— and Parish of and other purposes &c

A Bill to encourage Benjamin Heron Esquire to build a bridge over the North East Branch of Cape Fear River at or near the place where the ferry is now kept by Edward Davis, On motion read the second time and passed,

Received from the Assembly by Mr Hewes and Mr James Blount the following Bills Viz^t

A Bill to amend an Act Intituled an Act for establishing the titles of Freeholders in Edenton for laying a tax for finishing the Church begun in the said Town and for the further improvement and better regulation thereof,

A Bill for confirming the Town of Woodstock and establishing the survey of the same,

A Bill for erecting a Court House and prison for the District of Edenton,

A Bill for an additional Act to an Act Intitled an Act for restraining of excessive usury,

Received from the Assembly by Mr Haywood and Mr Palmer a Bill for enlarging the time allowed for saving lots in the Town of Tarborough

Then the House adjourned till 9 o'clock tomorrow morning,

Thursday Morning 13th November 1766

The House met according to adjournment

Present as before

Received from the Assembly by Mr Fanning and Mr Elmsley a Bill for erecting a convenient building within the town of New Bern for the residence of the Governor or Commander in Chief for the time being, On motion read the first time and passed,

On motion the following Bills were ordered to be read,

A Bill for an additional Act to an Act Intitled an Act for restraining of excessive usury, read the first time and passed

A Bill to amend an Act Intitled an Act for establishing the titles of the Freeholders in Edenton for laying a tax for finishing the Church begun in the said Town and for the further improvement and better regulation thereof, read the second time and passed.

Received from the Assembly by Mr Bartram and Mr Fanning the following Bills Viz^t.

A Bill for the further continuing an Act Intitled an Act for the restraint of Vagrants and for making Provision for the poor and other purposes,

A Bill appointing the method of distributing Intestates Estates, On motion read the first time and passed

A Bill for appointing a Public Treasurer in the room of John Starkey Esq, deceased,

A Bill for a further allowance of Commissions to Sheriffs, Coll^{rs} of Taxes and other purposes therein mentioned.

Received from the Assembly by Mr Hewes and Mr Fanning the following Bills Viz^t.

A Bill for confirming a lease made by the Tuscarora Indians to Robt Jones Jun^r William Williams and Thomas Pugh Esquires,

A Bill to continue an Act Intitled an Act to suppress excessive and deceitful gaming

A Bill to empower the Justices of Beaufort County to build a Court House, prison and stocks in Bath Town for the use of the said County.

A Bill for joining the navigation of old Topsail Inlet to Neuse River by cutting a navigable canal from the head of Harlows Creek to Clubfoot Creek.

Then the House adjourned till 10 o'clock tomorrow morning.

Friday Morning 14th November 1766

The House met according to adjournment.

Present as before,

On motion the following Bills are ordered to be read Vizt.,

A Bill for erecting a Court House and Prison for the District of Edenton read the first time and passed.

A Bill for confirming a lease made by the Tuscarora Indians to Robert Jones Jun^r, William Williams and Thomas Pugh Esq^{rs}, read the second time and passed

A Bill for a further allowance of commissions to Sheriffs and Collectors of Taxes &c^a, read the first time and passed

A Bill for joining the navigation of Old Topsail Inlet to Neuse River by cutting a navigable canal from the head of Harlows Creek to Clubfoot Creek, read the first time and passed.

A Bill to empower the Justices of Beaufort County to build a Court House, prison and stocks in Bath Town for the use of the said County read the third time and passed. Ordered to be engrossed.

A bill for the further continuing an Act Intitled an Act for restraint of vagrants and for making provision for the poor and other purposes, read the third time and passed, Ordered to be engrossed.

A Bill to continue an Act Intitled an Act to suppress excessive and deceitful gaming, read the third time and passed, Ordered to be engrossed.

Received from the Assembly by Mr Charlton and Mr Jas Blount the following Bills, Vizt.

A Bill for facilitating the navigation of Port Bath. Port Roanoke, and Port Beaufort

A Bill for establishing a school house in the Town of New Bern.

A Bill to amend an Act Intitled an Act for establishing the titles of the Freeholders in Edenton and for laying a tax for finishing the

Church begun in the said Town and for the further improvement and better regulation thereof

Received from the Assembly by Mr Cole and Mr Cogdell a Bill for joining the navigation of Old Topsail Inlet to Neuse River by cutting a navigable Canal from the head of Harlows Creek to Club-foot Creek

Received from the Assembly by Mr Fanning and Mr Respass a Bill for erecting a convenient building within the Town of New Bern for the residence of a Governor or Commander in Chief for the time being

Then the House adjourned till 10 oclk tomorrow morning

Saturday Morning 15th November 1766

The House met according to adjournment

Present

| | | | | | |
|------------|---|--------------------------------|-----------------------------|---|----------|
| The Honble | { | James Hasell | Alex M ^c Culloch | } | Esquires |
| | | John Rutherford | W ^m Dry | | |
| | | Lewis DeRosset | Robt. Palmer | | |
| | | John Sampson | and | | |
| | | Henry E. M ^c Culloh | Benj ^a Heron | | |

Received from the Assembly by Mr Jones and Mr James Blount the following Bills, to wit,

A Bill to prevent the Inhabitants of South Carolina driving their stocks of cattle from thence to range in this Province and other purposes.

A Bill for a further allowance of commissions to Sheriffs and Collectors of Taxes and other purposes herein mentioned.

A Bill for confirming a lease made by the Tuscarora Indians to Robt Jones Jun^r, William Williams and Thomas Pugh, Esq^{rs}.

A Bill for erecting a court house and prison for the District of Edenton

Then the House adjourned till 10 oClock on Monday morning.

Monday Morning 17th November 1766

The House met according to adjournment

Present

| | | | | | |
|------------|---|--------------------------------|-----------------------------|---|----------|
| The Honble | { | John Rutherford | Alex M ^c Culloch | } | Esquires |
| | | Lewis DeRosset | W ^m Dry | | |
| | | John Sampson | Robt. Palmer & | | |
| | | Henry E. M ^c Culloh | Benj ^a Heron | | |

On Motion ordered that the following Bills be read,

A Bill to prevent the Inhabitants of South Carolina driving their stocks of cattle from thence to range and feed in this Province and other purposes, read the first time and passed.

A Bill for confirming the Town of Woodstock and establishing the survey of the same.

A Bill for confirming a lease made by the Tuscarora Indians to Robert Jones Junr. William Williams and Thomas Pugh, Esq^r, read the third time and passed, Ordered to be engrossed,

A Bill for erecting a convenient Building within the Town of New Bern for the residence of the Governor or Commander in Chief for the time being, read the second time and passed.

A Bill for establishing a school House in the Town of New Bern

A Bill for erecting a Court House and prison for the District of Edenton read the second time amended and passed.

Received from the Assembly by Mr Kenan and Mr Ward the following Bills, Viz^t

A Bill for appointing a Printer to this Province

A Bill to prevent hunting for and killing Deer in the manner therein mentioned

On motion read the first time and passed.

On motion a Bill to amend an Act Intituled an Act for establishing the Titles of the Freeholders in Edenton for laying a Tax for finishing the Church begun in the said Town and for the further improvement and better regulation thereof, was ordered to be read, read the third time and passed. Ordered to be engrossed.

On motion the following Bills were ordered to be read, Viz^t

A Bill for Joining the navigation of Old Topsail Inlet to Neuse River by cutting a navigable canal from the head of Harlows Creek to Clubfoot Creek

Received from the Assembly by Mr Charlton and Mr Paine the following Bills

A Bill to confirm the vestry of St Jame's Parish in New Hanover County and to enable them to lay a tax on all taxable persons within the same. On motion read the first time and passed.

A Bill appointing the method of distributing Intestates Estates. On motion read the second time and passed.

A Bill for confirming the town of Woodstock and establishing the survey of the same.

A Bill to revive and continue an Act Intituled an Act to establish a ferry from Solleys Point to Relfes Point whereon the Court House now stands on Pasquotank River.

Received from the Assembly by Mr Moore and Mr Cole, a Bill appointing a Vendue Master for the town of Wilmington in this Province. On motion read the first time and passed

Received from the Assembly by Mr Fanning and Mr Respass the following Bills, Viz^t

A Bill for destroying crows and squirrels within the Counties therein mentioned. On motion read the first time and passed.

A Bill concerning the taking up of stray horses. On motion read the first time and passed.

A Bill to amend and continue an Act Intituled an Act for appointing a Militia. On motion read the first time and passed.

A Bill for erecting a convenient building within the Town of New Bern for the residence of the Governor or Commander in Chief for the time being.

A Bill for altering certain landings or places of inspection in the Counties of Craven and Dobbs and for substituting and appointing others in lieu thereof.

Received from the Assembly by Mr Kenan and Mr Bryan a Bill for ascertaining the boundary line between the Counties of New Hanover and Duplin, read the first time and passed

Received from the Assembly by Mr Howe and Mr Paine the following Message and Resolve, Viz^t

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

We herewith send you a Resolve of this House relative to the garrisoning of Fort Johnston and also a Resolve relative to an allowance relative to Mr Churton to which Resolve we desire your Honours concurrence.

JOHN HARVEY Speaker

By order W^m HERRITAGE Clk.
NORTH CAROLINA
17th November 1766

Monday the 17th November 1766.

In the Assembly.

Resolved that ten men be allowed and employed to Garrison Fort Johnston, exclusive of a Captain and that the said Captain be

allowed the sum of six shillings and eight pence p. diem and each man one shilling and four pence p. Diem and eight pence p. diem for subsistence for one year and from thence to the end of the next Session of the Assembly and that this Resolve be sent to the Council for concurrence.

JOHN HARVEY Speaker

By order W^m HERRITAGE Clk.
17th Nov. 1766

17th November 1766. In the upper House. Concurred with.

JNO RUTHERFORD, P. C.

By order J. B. Clk.

Monday the 17th November 1766.

In the Assembly

Resolved, that Mr W^m Churton be allowed the sum of one hundred and fifty five pounds proclamation money and paid by the public Treasurers of this Province out of the Fund for contingencies to enable him to get printed and published a map of the inhabited part of this Province and that this Resolve be sent to the Council for concurrence

JOHN HARVEY Speaker

By order W^m HERRITAGE Clk.
17th Nov 1766

17th November 1766. In the upper House, Concurred with

By order J. BURGWIN Clk, JNO RUTHERFORD P.

Then the House adjourned till Tuesday Morning.

Tuesday Morning 18th November 1766

The House met according to adjournment

Present as before.

On motion, a Bill for establishing a school house in the Town of New Bern, was ordered to be read, read the second time, amended and passed.

Received from the Assembly by Mr Frohock and Mr Harris the following Bills, to wit,

A Bill for reviving the several Acts of Assembly relating to the inspection of Tobacco, On motion, read the first time and passed.

A Bill for allowing time for the payment of the duties on wines and other spirituous liquors, On motion read the first time and passed.

A Bill for altering the time of holding the Inferior Court of Pleas and quarter sessions in the Counties of Bute and Onslow.

A Bill to prevent the unreasonable destruction of Fish in Neuse River, Tar River, Fishing Creek, Rocky River, and the South part of the Catawba River, On motion read the first time and passed.

A Bill to amend an Act passed in the year of our Lord one thousand seven hundred and sixty four Intituled an Act to prevent the exportation of unmerchutable commodities, On motion, read the first time and passed,

A Bill for the relief of poor debtors as to the imprisonment of their persons and other purposes, On motion read the first time and passed,

A Bill to empower the Church wardens and vestrymen of St Johns Parish in the County of Bute to appropriate the surplussage money levied for erecting the public buildings in the said County to the use of said Parish of St Johns.

A Bill to prevent the inhabitants of South Carolina driving their stocks of cattle from thence to range and feed in the Province and other purposes.

Received from the Assembly by Mr Haywood and Mr Lemmon the following Bills, to wit,

A Bill appointing the method of distributing Intestates Estates.

A Bill to amend an Act Intituled an Act for rendering more effectual the Laws making Lands and other real estate liable to the payment of debts, on motion read the first time and passed,

A Bill for joining the navigation of old Topsail Inlet to Neuse River by cutting a navigable canal from the head of Harlows Creek to Clubfoot Creek

Received from the Assembly by Mr Cogdell and Mr Cray the following Bills, Viz^t

A Bill for establishing a school house in the Town of New Bern,

A Bill appointing a vendue master for the Town of Wilmington in this Province

Received from the Assembly by Mr Kennan and Mr Polk the following Bills, Viz^t

A Bill for erecting a court house and prison for the district of Edenton,

A Bill to prevent hunting for and killing deer in the manner therein mentioned

A Bill for establishing a Town on the Land of Geo Augustus Selwin in Mecklenburg County.

A Bill to encourage Benj^a Heron Esq to build a bridge over the North East branch of Cape Fear River at or near where the ferry is kept by Edw^d Davis.

Then the House adjourned till 9 o'clock tomorrow morning.

Wednesday Morning 19th November 1766.

The House met according to adjournment,

Present as before.

On motion, the following Bills were ordered to be read viz^t.

A Bill appointing the method of distributing Intestates estates, read the third time and passed. Ordered to be engrossed.

A Bill for destroying crows and squirrels within the Counties therein mentioned, read the first time amended and passed.

A Bill for regulating the duty of a Vendue Master to be appointed for the Town of Wilmington in this Province, read the second time amended and passed

A Bill to encourage Benjamin Heron Esquire to build a bridge over the North East Branch of Cape Fear River at or near the place where the ferry is now kept by Edw^d Davis, read the third time and ordered that the following Message be sent to the Assembly, Viz^t

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading a third time the "Bill to encourage Benjamin Heron Esquire to build a bridge over the North East branch of Cape Fear River" we observe that in the eleventh line of the first Sec. you have inserted the words "Twenty five years next after the passing of this Act" and at the conclusion of that Section you have added another clause in the following words.

"And be it further enacted by the Authority aforesaid that from and after the expiration of the said Term of twenty five years it shall and may be lawful for the Justices of the Inferior Court of New Hanover County from time to time and at all times thereafter to establish and rate the toll to be taken for the said Bridge."

To which alterations this House cannot agree, and therefore hope you will pass so useful a Bill without, and that you will please send some of your members to see the same expunged

By order

J. B. Clk.

On motion the Bill for facilitating the navigation of Port Bath, Port Roanoke, and Port Beaufort, was read the second time amended and passed.

On motion the following Bills were ordered to be read, Viz^t

A Bill to prevent the Inhabitants of South Carolina driving their stocks of cattle from thence to range in this Province and other purposes, read the second time and passed.

A Bill for erecting a Court House and Prison for the District of Edenton read the third time and passed, Ordered to be engrossed.

A Bill to prevent hunting for and killing deer in the manner therein mentioned, read the second time and passed.

Then the House adjourned till 9 °Clock tomorrow morning

Thursday Morning

The House met according to adjournment

Present as before,

On motion the following Bills were ordered to be read, Viz^t

A Bill for appointing a Printer to this Province, read the first time and passed,

A Bill for erecting part of Rowan County and part of Orange County into a separate County by the name of ——— County und Parish of ——— and other purposes, read the first time and passed,

A Bill for joining the navigation of old Topsail Inlet to Neuse River by cutting a navigable Canal from the head of Harlows Creek to Clubfoot Creek, read the third time and passed . Ordered to be engrossed,

A Bill for appointing a public Treasurer in the room of John Starkey Esq^r deceased, read the third time and ordered that the following Message be sent to the Assembly, Vizt

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On reading the third time the Bill for appointing a Public Treasurer in the room of John Starkey Esq deceased, we observe you have *deled* the Honble Lewis DeRosset Esq^r whom we had inserted in the Bill and *steted* John Ashe Esq: We desire the Bill may be amended by inserting the Honble Lewis DeRosset Esq and *deleing* John Ashe Esq^r otherwise it may be by you deemed a precedent for giving up our joint right of nomination with your House and be a means of disturbing that harmony we shall always be glad to cul-

tivate between the two Houses,—If you agree to this amendment please to send two of your Members to see the same made,

By order

J. B. Clk,

20th Nov, 1766.

Received from the Assembly by Mr R Howe and Mr Ashe the following Message, to wit,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

On reading your Message of this day relative to the Bill to encourage Benj^s Heron Esqr to build a bridge over the North East Branch of Cape Fear River—We observe you propose expunging the words twenty five years next after the passing this Act and also the clause empowering the Justices of the Inferior Court of New Hanover County from time to time and at all times thereafter to establish and rate the toll to be taken for the said bridge to which alteration this House agree and have sent Mr Robt Howe and Mr John Ashe two of the Members of this House to see the same made

JOHN HARVEY Speaker

By order

W^m HERRITAGE Clk

19th Nov 1766

Then the Alteration in the above Message Mentioned was made in presence of the Members sent for that purpose, and then the Bill was put and passed the third time with amendments Ordered to be engrossed

Received from the Assembly by Mr Howe and Mr Ashe the following Bills Viz^t

A Bill to amend and continue an Act Intituled an Act for appointing a Militia, read the second time and passed with amendments,

A Bill to lay a tax on pedlars and other Itinerant Traders coming into this Province, read the first time and passed,

The Honble Mr Palmer moved for leave to bring in a Bill to amend an Act Intituled an Act for regulating the Pilotage of Cape Fear River and other purposes,

Ordered that he have leave accordingly

Mr Palmer presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk, passed and ordered to be sent to the Assembly

Received from the Assembly by Mr Blount and Mr Howe the following Bills, towit,

A Bill for appointing a Printer to this Province, read the second time and passed,

A Bill for facilitating the navigation of Port Bath, Port Roanoke and Port Beaufort,

Received from the Assembly by Mr Thos. Howe and Mr Bradford a Bill to amend an Act concerning Marriages

Received from the Assembly by Mr Brickell and Mr Cole the following Bills Viz^t

A Bill to amend an Act Intitled an Act for establishing a Town on the Land formerly granted to William Churton Gent, lying on the North side of the Ence River in the County of Orange, On motion read the first time and passed.

A Bill for allowing time for the payment of the duties on wines and other spirituous liquors.

Received from the Assembly by Mr Robt Howe and Mr Fanning the following Message Viz^t

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL

This House have taken into consideration your Message relative to the appointment of a Public Treasurer, and cannot agree to your proposal of incerting the Honble Lewis DeRosset Esq in the room of John Ashe Esq, neither can we recede from the opinion that the right of nominating a Treasurer is in this House, yet shall be far from deeming your Agreement to the appointment of Mr Ashe as the relinquishing any rights which in your opinion you have to a joint nomination and should be glad you would pass the Bill as sent you by this House

It would ever give us concern should any circumstance arise to interrupt the harmony that ought to subsist between the two Houses, which it is as much our intention as it is our wish to cultivate & promote

JNO HARVEY Speaker

By order

W^m HERRITAGE Clk.

20th Nov. 1766.

Then the House adjourned till 9 o'clock tomorrow morning

Friday Morning November 21st 1766

The House met according to adjournment

Present as before

On motion the following Bills were ordered to be read.

A Bill for facilitating the navigation of Port Bath, Port Roanoke and Port Beaufort, read the third time and ordered the following Message be sent to the Assembly, Vizt.

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

On reading for the third time the Bill for facilitating the navigation of Port Bath we observe you have *deled* our amendment in the fourth page relative to the proportions of the Ports of Bath and Beaufort, which we apprehend arose from an opinion that the expression was not sufficiently explicit; We would therefore propose that instead of the words "in proportion to the sums received in their respective Ports," *deled* by you, the words, "in proportion to the sums received in the said Ports of Bath and Beaufort" be inserted — this amendment being consonant to the principles of distributive Justice, We hope you will agree thereto and two of your Members to see the same made

21st November 1766. In the upper House

By order J. B. Clk.

The following Bills were ordered to be read, Viz^t.

A Bill to amend an Act Intituled an Act concerning Marriages, read the first time and passed.

Received from the Assembly by Mr Harris and Mr Rutherford the following Bills-Vizt,

A Bill to prevent hunting for and killing deer in the manner therein mentioned on motion, read the third time and passed, Ordered to be engrossed.

A Bill to prevent the unreasonable destruction of Fish in Neuse River, Tar River, Fishing Creek, Rocky River, and the South fork of Catawba River, On motion, read the second time and passed with amendments

On motion the Bill to revive and continue an Act Intituled an Act to establish a ferry from Solleys Point to Relfes Point whereon the court house now stands on Pasquotank River, was read the first time and passed

On motion the Bill for establishing a school house in the Town of New Bern was read the third time and ordered that the following Message be sent to the Assembly, Vizt

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

On reading the third time the Bill for establishing a school House in the Town of New Bern, we have many objections to the said Bill as it now stands and therefore propose the following amendments.

That the minister of Christ Church Parish for the time being, be a Trustee or Director, and that the words we had inserted in this House at the second reading for that purpose, and which you have *deled* in your House, be *steted*.

That the duty on rum be continued for seven years only, and that these words for that purpose be inserted in the Bill after the words "be paid" *for and during the space of seven years from and after the passing of this Act.*

That the following clause be added to the Bill, Vizt.

Provided that no person shall be admitted to be Master of the said school but who is of the established Church of England and who at the recommendation of the Trustees or Directors or the Majority of them shall be licenced by the Governor or Commander in Chief for the time being

To which amendments if you agree please send two of your Members to see the same made

By order

J. B. Clk.

21st November 1766.

Then the House adjourned till 10 o'clock tomorrow morning

Saturday Morning 22^d November 1766.

The House met according to adjournment

Present as before.

Received from the Assembly by Mr Ashe and Mr Knox the following Bills, Viz^t

A Bill to amend an Act for regulating the pilotage of Cape Fear River and other purposes,

Received from the Assembly by Col^o Barron and Mr Respass the following Message Viz^t

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

On reading your message of this day relative to the Bill for facilitating the navigation of Port Bath, Port Roanoke and Port Beaufort, We agree to insert the following words in the said Bill, to wit, *in proportion to the sums received in the said Ports of Bath and Beaufort* and send Col^o Barron and Mr Respass to see the same inserted

JOHN HARVEY Speaker

By order W^m HERRITAGE Clk.

21st November 1766.

Then the alteration in the above mentioned Bill was made in presence of the Members sent for that purpose and then on Motion, the said Bill was again read and passed the third time with amendments, Ordered to be engrossed.

Received from the Assembly by Mr Kennan and Mr Frohock the following Bills, to wit,

A Bill to prevent the Inhabitants of South Carolina driving their stocks of cattle from thence to range and feed in this Province and other purposes

A Bill for regulating the duty of a vendue Master to be appointed for the Town of Wilmington in this Province,

A Bill for ascertaining the boundary lines between the Counties of New Hanover and Duplin and between Duplin and Johnston Counties

A Bill for reviving and reenacting the several Acts of Assembly relating to the inspection of Tobacco

A Bill to amend an Act Intituled an Act for establishing a Town on the Land formerly granted to William Churton Gent lying on the North side of Enoe River in the County of Orange,

A Bill to amend an Act Intituled an Act to prevent the exportation of unmerchantable commodities

On motion the Bill for allowing time for the payment of the duties on wines and spirituous liquors, was read the second time amended and passed

On motion, the Bill for a further allowance of commissions to Sheriffs and collectors of Taxes and other purposes therein mentioned, was read the second time amended and passed,

Received from the Assembly by Mr Caswell and Mr Blount the following Message Viz^t

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

In answer to your Message of the 21st Inst received this day relative to the several amendments by you proposed to the Bill for establishing a school house in New Bern as to the first, we are sensible the present Minister of Christ Church Parish being a Trustee or Director would be very agreeable to the contributors to the building of the said school house, and we have not the least doubt should the Bill pass into a Law, but that he will be chosen one of the Trustees, at the same time to appoint the Ministers for the time being one of the Trustees we think would be depriving the said contributors of a right which they may justly claim and therefore cannot agree to that amendment,

To the second and third, this House agree may be inserted in the said Bill and send Mr Caswell and Mr Blount two of the Members thereof to see the same done accordingly

JOHN HARVEY Speaker

By order W^m HERRITAGE Clk,
22^d November 1766

Then the amendments agreed to were made in presence of the Members sent for that purpose and was again read and passed the third time with amendments Ordered to be engrossed

Received from the Assembly the following Message Vizt

GENTLEMEN OF THE MAJESTYS HONBLE COUNCIL,

The Committee of Accounts have received the [sum] of £2557 5s from several Sheriffs by the hands of Samuel Swann Esq. The sum of £2521 12 2 from Joseph Montfort Esquire Treasurer of the Northern District and the sum of £419 1 8 from the exo^{rs} of John Starkey Esq, on account of the sinking fund, which said several sums are by Law to be burnt

This House have therefore appointed a Committee of the whole House to see the said sums burnt at the house of Mr Richard Cogdell in New-Bern at four o'clock this afternoon in conjunction with such of your Honours as you shall think proper to appoint for that purpose

JNO HARVEY Speaker

By order W^m HERRITAGE Clk
22^d Nov 1766

On motion the above Message was read, and ordered that the following Message be sent to the Assembly Vizt.

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

In answer to your Message relative to the burning of the several sums paid into the Committee of Accounts, This House have appointed a Committee of the whole House to see the said sum burnt at the House of Mr Richard Cogdell at the time you mention
22^d November 1766 In the upper House

By Order

J. B. Clk

The Honble Lewis DeRosset moved for leave to bring in a Bill to establish the Vestry of St James Parish in New Hanover County to confirm their proceedings and to enable them to lay a Tax to pay the minister of the Parish and to defray the contingent charges thereof

Ordered that he have leave accordingly

Mr DeRosset presented the said Bill, which he read in his place and delivered in at the Table where the same was again read by the Clerk, passed and ordered to be sent to the Assembly,

Then the House adjourned till Monday Morning

Monday Morning 24th November 1766

The House met according to adjournment

Present as before.

On motion the following bills were ordered to be read, viz^t.

A Bill to amend an Act Intitled an Act for establishing a Town on the Land formerly granted to William Churton Gent lying on the North side of the Enoe River in the County of Orange. Read the second time and passed.

A Bill for reviving and reenacting the several Acts of Assembly relating to the Inspection of Tobacco Read the second time and passed.

A Bill to amend an Act Intitled an Act for regulating the pilotage of Cape Fear River and other purposes. Read the second time and —

On motion the House Resolved into a Committee of the whole House to consider the subject matter of the said Bill and made choice of the Honble Henry E. McCulloh for Chairman who took the Chair accordingly.

Then the Committee proceeded to take the said Bill under consideration and agreed to several amendments which the Chairman was directed to report and then on motion Mr President resumed the Chair.

The Chairman reported that the Committee had considered the said Bill and proposed several amendments which he laid before the House and was agreed to and ordered that the said amendments be inserted in the said Bill which was accordingly done and Bill again read and passed with amendments.

A Bill for erecting a convenient building within the Town of New Bern for the residence of the Governor or Commander in Chief for the time being. Read the third time and passed.

Ordered to be engrossed.

Received from the Assembly by Mr Sheperd and Mr Mitchell the Bill to amend an Act Intitled an Act for establishing a Town on the Land formerly granted to William Churton Gent lying on the North side of the Enoe River in the County of Orange.

Received from the Assembly by Mr Cray and Mr Palmer the following Bills, Viz^t

A Bill to prevent the unreasonable destruction of Fish in Neuse River Tar River, Fishing Creek, Rocky River the south fork of the Catawba River the south fork of the Yadkin River and Contentney Creek,

A Bill for a further allowance of Commissions to Sheriffs and collectors of taxes and other purposes therein mentioned.

Received from the Assembly by Mr Frohock and Mr Spencer the following Bills and Messages Viz^t.

A Bill for erecting part of Rowan County and part of Orange County into a separate County by a name of — County and Parish of —, and other purposes &c^a

A Bill to amend an Act Intitled an Act concerning Marriages

A Bill to amend and continue an Act Intitled an Act for appointing a Militia.

Message

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL

This House have appointed Mr Ashe Mr Fanning and Mr Robert Howe a Committee to prepare an address of thanks to His most gracious Majesty on the happy event of the repeal of the Stamp Act and other late instances of Royal clemency manifested to the Col-

onies, And desire to be informed if your Honours will join us and if you will consent thereto that you will appoint such of your Members as you shall think proper to join the Committee of this House in drawing up of the same that it may appear to be the united and joint address of two of the branches of the Legislature of this Province

JOHN HARVEY Sp.

By order W^m HERRITAGE Clk

22nd November 1766.

Then the House adjourned till tomorrow morning 10 o'clock.

Tuesday Morning 25th November 1766.

The House met according to adjournment

Present as before,

Received from the Assembly by Mr Benton and Mr Sawyer the following Bills Viz^t,

A Bill for rating the prices of the several commodities therein mentioned, On motion read the first time and passed,

A Bill for reviving and reenacting the several Acts of Assembly relating to the inspection of Tobacco, On motion read the third time and passed. Ordered to be engrossed.

A Bill to amend an Act Intitled an Act for rendering more effectual all the Laws making lands and other real estate liable to the payment of Debts.

On motion the following Bills were ordered to be read, Viz^t

A Bill for a further allowance of Commissions to Sheriffs and collectors of Taxes and other purposes therein mentioned, Read the third time and passed, Ordered to be engrossed,

A Bill for ascertaining the boundary lines between the Counties of New Hanover and Duplin, Read the second time and passed with amendments.

A Bill to amend an Act Intitled an Act for establishing a Town on the Land formerly granted to William Churton Gentleman, lying on the North side of the Enoe River in the County of Orange, Read the third time and passed, Ordered to be engrossed.

On motion, ordered that the Message received yesterday relative to addressing his Majesty, on the many gracious instances of Royal favor &c^a be read, the same was accordingly read and taken under consideration and ordered that the following Message be sent to the Assembly,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY

We have taken your Message of the 24th into consideration and shall most cheerfully join you, in your proposal of addressing his Majesty on the recent and gracious instances of royal favor manifested to his faithful subjects in America.

We have appointed the Honble Lewis DeRosset and H. E. McCulloh Esqs a Committee of this House to join your Committee in preparing the said Address

25th Nov 1766.

By order

J. B. Clk.

Received from the Assembly by Mr Haywood and Mr Rutherford the following Bills, to wit,

A Bill for allowing time for the payment of the duties on wines and spirituous liquors, On motion read the third time and passed, Ordered to be engrossed,

A Bill to lay a tax on Pedlars and other itinerant traders coming into this Province.

On motion the following Bills were ordered to be read, Viz^t

A Bill to empower the Church wardens and Vestrymen of St Johns Parish in the County of Bute to appropriate the surplussage money levied for erecting public buildings in said County to the use of the said Parish of St Johns, Read the first time and passed.

A Bill to amend an Act Intituled an Act concerning Marriages, Read the second time and on motion the House Resolved into a Committee of the whole House to consider the subject matter of the said Bill and made choice of the Honble Mr Dry for Chairman who took the chair accordingly.

Then the Committee proceeded to take the said Bill under consideration agreed to several amendments which the Chairman was directed to report and then on motion Mr President resumed the Chair; The Chairman reported that the Committee had considered the said Bill and propose several amendments which he laid before the House and was agreed to and ordered that the said amendments be accordingly made which was done and then the Bill was again read and passed with amendments.

On motion the Bill to amend and continue an Act Intituled an Act for appointing a Militia was read the third time and ordered that the following Message be sent to the Assembly,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On reading for the third time the Bill to amend and continue an Act appointing a Militia, we propose to *dele* the whole of the clause relative to the Adjutant Gen^l *stated* by you on the third reading, to which on consideration if you agree please send some of your Members to see the same done,

By order
25th Nov 1766

J. B. Clk.

Rec^d from the Assembly the following Message Viz^t

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL

On reading your Message of this day relative to the Bill to amend and continue an Act Intituled an Act for appointing a Militia, We apprehend the whole of the clause relative to the Adjutant Gen^l was on our third reading *deled* by us, We therefore agree to your proposed amendments and send Mr Jno Ashe and Mr Robt Howe to see the same made

JOHN HARVEY Speaker.

Nov 25th 1766

Then the amendments proposed were made in presence of the members sent for that purpose and the Bill again read and passed the third time with amendments. Ordered to be engrossed.

Received from the Assembly by Mr Williams and Mr Cray the Bill to amend an Act Intituled an Act for regulating the pilotage of Cape Fear River and other purposes, On motion read the third time amended and passed

Received from the Assembly by Mr. Ashe and Mr Harris the following Bills, Viz^t

A Bill to empower the Church wardens and vestrymen of St Johns Parish in the County of Bute to appropriate the surplussage money levied &c^a

A Bill for ascertaining the boundary lines between the Counties of New Hanover and Duplin, read the third time and passed, Ordered to be engrossed.

On motion, the House took under consideration the Message from the Assembly of the 20th relative to the Treasurers Bill and ordered that the following Message be sent to the Assembly

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

We observe that in answer to our Message of the 20th Inst on the Treasurers Bill you have insisted on your sole right of nomination and thereby continued those difficulties which obstruct the Bills passing. We do not see (however condescending we might wish to be for the sake of any public measure) how we can (circumstanced as we are) recede from our proposed amendments, as such a procedure would argue a relinquishment of our joint right of nomination; which we will by no means agree to make, however if you will agree that in case we pass the Bill it shall be looked upon as a joint nomination of the two Houses from our regard to the measure we will agree to pass it, otherwise we cannot. You will therefore please to consider this subject again and how far any accident which may befall the Bill may be justly imputed to you or to us

By order.

J. B. Clk,

25th Nov 1766,

Then the House adjourned till 9 o'clock tomorrow morning.

Wednesday Morning 26th November 1766.

The House met according to adjournment

Present as before.

On motion the following Bills were ordered to be read, Viz^t,

A Bill to amend an Act Intituled an Act to prevent the exportation of unmerchable commodities, read the second time amended and passed.

A Bill to lay a tax on Pedlars and other Itinerant Traders coming into this Province. Read the second time amended and passed.

On Motion the Bill to empower the Church Wardens and Vestrymen of St Johns Parish in the County of Bute to appropriate the surplusage money levied for erecting the public Building in said County to the use of the said Parish of St Johns was read the second time amended and passed.

Received from the Assembly by Mr Harnet and Mr Shepard the following Message Viz^t.

GENTLEMEN OF HIS MAJESTYS] HONBLE COUNCIL,

On reading for the third time the Bill to amend an Act Intituled an Act for regulating the pilotage of Cape Fear River and other purposes,

We observe that your Honours have *steted* the clauses relative to the duty on tonage and duty on the exportation of tar pitch and turpentine to South Carolina, and also the clause requiring an addition to the bond to be given by masters of vessels which were *deled* by us on the second reading of the Bill in this House. We propose that the same be *deled*, to which if you agree please to signify the same to this House otherwise we cannot pass the Bill.

JOHN HARVEY Speaker

By order

W^m HERRITAGE Clk.

26th Nov. 1766.

On Motion, the Bill for regulating the duty of a vendue Master to be appointed for the Town of Wilmington in this Province, was read ordered that the following Message be sent to the Assembly,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading the third time the Bill for regulating the duty of a vendue master &c^a, We propose the following amendments viz^t, That the title of the Bill on the top be made agreeable to the title endorsed on the back.

That as the com^a allowed by the Bill as it now stands are too low, we propose to allow two and a half p. cent on all sales not amounting to one hundred pounds, and two p. cent on all sales amounting to one hundred pounds and upwards.

And that the words "to be" be inserted in the clause obliging the vendue master to account, to make that clause consistent with the Bill, to which amendments if you agree please send some of your members to see those amendments made.

By order

J. B. Clk.

26th November 1766.

On motion ordered that the following bills be read, Viz^t

A Bill for erecting part of Rowan County and part of Orange County into a separate county by the name of ----- and Parish of ----- and other purposes. Read the second time and ordered to lie on the Table *sine die*

A Bill for rating the prices of the several commodities therein mentioned. Read the third time and ordered to lie on the Table *sine die*.

A Bill to prevent the unreasonable destruction of Fish in Neuse River &c^a read the third time and ordered that the following Message be sent to the Assembly

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On reading for the third time the Bill to prevent the unreasonable destruction of Fish in Neuse River &c^a We observe you have omitted to mention the limits you intended as to Neuse River. You will please to send two of your members to have it inserted

A Bill to amend an Act Intitled an Act for regulating the pilotage of Cape Fear River and other purposes read the third time and ordered that the following Message be sent to the Assembly Viz^e

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

On reading your Message relative to the regulating the pilotage of Cape Fear River and other purposes; We agree to your proposal of *deleting* the several Clauses you mention, and hope the Bill will then pass your House

By order

J. B. Clk

26th Nov 1766.

A Bill for appointing a printer to this Province, read the third time and ordered that the following Message be sent to the Assembly Vizt.

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

On reading the Bill for appointing a printer to this Province we propose the following amendments Viz^t.

To make the time for printing and transmitting the laws *three* months as it stood at first instead of *four* months. And that the said James Davis transmit to the Clerks of each House of Assembly one copy of the Journals of the Assembly and that you *dele* the word *either* and insert *each* to prevent disputes, to which amendments if you agree please send some of your members to see them made

By order

J. B. Clk.

26th Nov. 1766.

Received from the Assembly by Mr Fanning and Mr Benton the following Bills and message.

A Bill to amend an Act concerning Marriages.

A Bill to lay a Tax on Pedlars and other Itinerant Traders coming into this Province. On motion read the third time and passed. Ordered to be engrossed.

A Bill to empower the Church wardens and vestrymen of St Johns Parish in the County of Bute to appropriate the surplussage money levied for erecting the public building in said County to the use of the said Parish of St John. On motion read the third time and passed. Ordered to be engrossed.

Message

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL

In answer to your Message relative to the Bill for regulating the duty of a vendue Master to be appointed for the Town of Wilmington in this Province this House agree to the several alterations proposed by your Honors except that relative to the Commissions which this House cannot agree to. If your proposal should be agreeable the Members who carry this Message will see the alterations made

JOHN HARVEY Speaker

By order W^m HERRITAGE Clk.

26th Nov. 1766. In the Assembly

Then the said Bill was again read and rejected.

Received from the Assembly the following Message by Mr Fanning and Mr Benton Viz^t

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL.

It is with real concern that we find our answer to the amendments proposed by your Honors Message to this House of the 20th Inst in the Bill for appointing a Treasurer has proved dissatisfactory and the more so as it appears from the import of yesterdays Message that exception has been taken rather at the modes of expressions in our answers than to our non compliance with the proposed amendments. In our answer we endeavoured to adopt the greatest delicacy of expression and as we conceived entirely avoided asserting the sole right of nomination in us or denying the right of joint nomination as mentioned in your message, with a design of leaving this point of modern controvercy to be disputed at some future season when there should be greater need of and stronger inclination to debate between the two Houses, on points of Privileges, In this view of the matter we cant but flatter ourselves it will be

thought consistent with the wisdom and justice of your House at this time to waive an explicit or definitive determination of the rights of the nomination between the two Houses especially on this occasion wherein the peace of government, the public good and the harmony of two branches of the Legislative body of the Province must greatly depend, This House would most cheerfully acquiesce in every measure and comply with every suitable proposal to remove the difficulties that may obstruct the passage of the Bill before your Honours, A Bill wherein the interest of the Public is most nearly and essentially concerned, and therefore should esteem your passing the Bill as it left this House not as a relinquishment of any of your rights, but as an earnest of your desire to advance the public good and to cultivate that harmony and unanimity which ought ever to subsist between the two Houses and which we are most cordially disposed to promote by every laudable measure

JOHN HARVEY Speaker

By order W^m HERRITAGE Clk.
26th Nov. 1766 In the Assembly

Then the House adjourned till tomorrow morning 9 o'clock

Thursday Morning 27th November 1765

The House met according to adjournment

Present as before,

On motion the Bill to prevent the Inhabitants of South Carolina driving their stocks of cattle from thence to range and feed in this Province was read the third time and ordered the following Message be sent to the Assembly, Viz^t

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On the third reading of the Bill to prevent the Inhabitants of South Carolina driving their stocks of Cattle from thence to range and feed on this Province &c^a

We observe you have inserted between the first and second lines in the second section these words "not an Inhabitant of this Province" which we apprehend, arose from an opinion in your House that Inhabitants of this Province are tied down by the Bill (as it before stood) not to keep more than ten head of their own Cattle to every hundred Acres of land, But as that is not the case or intent, we would propose to *dele* the above mentioned words and

also those words preceding, "*And be it further enacted by the authority aforesaid that,*" and consolidate the first and second clauses in the Bill by inserting the word "*and*" immediately after the last word in the first section, and the word "*such*" before the word Cattle, Which amendments will make the Bill more consistent and clear than it at present stands; to which if you agree please send some of your Members to see the alterations made.

By order

J. B. Clk.

27th Nov 1766,

Received from the Assembly by Mr Williams and Mr Kennan the Bill to amend an Act Intituled an Act to prevent the exportation of unmerchantable Commodities.

On motion ordered that the following Bills be read, Viz^t

A Bill to amend an Act intituled an Act concerning Marriages, Read the third time and ordered that the following Message be sent to the Assembly Viz^t

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

On reading a third time the Bill to amend an Act concerning Marriages, We propose that the Bill should be amended, as it went from this House on our second reading, to wit,

To *dele* these words "*or of the dissenting Presbyterian Clergy*" in the second line in the second section.

To *dele* the words "*in their usual and accustomed manner*" between the third and fourth lines in the second page.

To *set* in the fifth line these words, "*Any minister of the Church of England or*"

And to *dele* in the first proviso these words inserted by you, "*or in such manner as directed by this Act,*"

And also that the following clause be added, And be it further enacted by the Authority aforesaid that this Act shall be and remain in force for and during the space of three years from the passing thereof and no longer, to which amendments if you agree please send some of your Members to see the same made.

By Order

J. B. Clk

27th November 1766.

A Bill to amend an Act Intituled an Act to prevent the exportation of unmerchantable commodities, read the third time and ordered that the following Message be sent to the Assembly

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading the third time the Bill to amend an Act Intituled an Act to prevent the exportation of unmerchantable commodities, We observe you have inserted a clause for appointing several places of inspection, and have *steted* the clause for repealing the duty on raw hides and calf skins —

We propose that both these clauses be *deled*, to which if you agree, please to send some of your Members to see the same done.

27th Nov 1766, In the upper House

By order

J. BURGWIN Clk,

On motion the Bill to amend an Act Intituled an Act for rendering more effectual the laws making lands and other real estates liable to the payment of debts, was ordered to be read, read the second time amended and passed,

Received from the Assembly the following Message Viz^t

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

We agree to the several alterations proposed by your two Messages of yesterday and one of this day relative to the Bill for appointing a printer, the Bill to prevent the unreasonable destruction of Fish in Neuse River, and the Bill to prevent the inhabitants of South Carolina driving their stocks of Cattle from thence to range and feed in this Province and have sent Mr Ashe and Mr Spencer two of the Members of this House to see the same made,

JOHN HARVEY Speaker,

27th Nov 1766, In the Assembly

By order

W^m HERITAGE Clk.

Then the alterations in the said Bill were made in presence of the members sent for that purpose, And on motion the said Bills were again severally read and passed with amendments Ordered to be engrossed.

On motion ordered the Message from the Assembly relative to the Treasurers Bill be read, which was accordingly done and ordered that the following entry be made on the Journals,

This House on reading the Message of the Assembly of the 26th are of opinion that the same is not satisfactory but as the rights of this House are not denied by the Message and it allows that no

precedent shall be made to the prejudice of the rights by our passing the Bill, The House in order to manifest their warm desire to advance the public good and to preserve the harmony and unanimity which subsists between the two Houses, have agreed for this time and passed the Bill,

Then the said Bill again read and passed the third time Ordered to be engrossed.

Received from the Assembly by Mr Person and Mr Sheppard the following Message, Viz^t

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL

In answer to your Message of this day regarding the Bill to amend an Act Intituled an Act to prevent the exportation of unmerchantable commodities, We agree to your proposal and send Mr Person and Mr Sheppard two of the Members of this House to see the clauses mentioned *deled*

JOHN HARVEY Speaker,

27th November 1766, In the Assembly,

By order

W^m HERRITAGE Clk.

Then the alteration in the said Bill was made in presence of the Members sent for that purpose and on motion the said Bill was again read and passed with amendments,

Then the House adjourned till 10 o'clock tomorrow morning.

Friday Morning 28th November 1766.

The House met according to adjournment

Present as before.

Received from the Assembly p^r Mr Fanning and Mr Howe the following message Viz^t.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

In answer to your Message of yesterday wherein you propose several amendments to the Bill to amend an Act concerning Marriages, We inform your Honours that it was the sense of this House on reading the Bill that the following words, "*or any of the dissenting Presbyterian clergy*" as *deled* in your House, should remain so and this House for the clause and better understanding of the Bill agree that the words, "by license" be inserted between the words proposed to be *deled* in the first Proviso which will read then as follows, "*or*

by license in such manner as directed by this Act" and with this alteration hope your Honours will pass the Bill, as we cannot agree to any other alteration or amendment, and if your Honors will pass the Bill with this alteration, the two Members by whom this is sent will see the alterations made.

JOHN HARVEY Speaker

By order W^m HERRITAGE Clk.
27th November 1766. In the Assembly.

Then the Alterations were accordingly made in said Bill in presence of the Members sent for that purpose, and then the said Bill was again read and passed with amendments.

Ordered to be engrossed.

Received from the Assembly the Bill to amend an Act Intituled an Act for rendering more effectual the Laws making lands and other real estate liable to the payment of debts, On motion read the third time and passed.

Ordered to be engrossed.

Received from the Assembly the following Message, Viz^t.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL

The Committee appointed by this House in conjunction with a Committee of yours to draw up an Address to His Majesty have reported that the same is prepared which on being read is approved of by this House and herewith sent to you for your Honours concurrence that it may appear to be received as the joint address of both Houses.

JOHN HARVEY Speaker

By order W^m HERRITAGE Clk.
28th Nov 1766.

On motion the said address was ordered to be read which was accordingly done and approved and ordered that the same be entered on the Journals of this House as the joint address of both Houses, Viz^t

TO THE KINGS MOST EXCELLENT MAJESTY

The Humble Address of the Council and Assembly of North Carolina.

MOST GRACIOUS SOVEREIGN.

We your Majesty's most loyal and dutiful subjects the Council and Assembly of this your Province of North Carolina beg leave

with all humility to approach your throne with our warmest wishes for the safety and prosperity of your royal person, family and government.

The very considerable part your Majesty's faithful subjects in America have borne in the late transaction, makes it highly necessary for them to take the earliest opportunity of manifesting their unshaken Loyalty and of making every return of duty and gratitude for the paternal goodness which has so graciously relieved them. Permit us Sir your faithful subjects of North Carolina with all haste to assure your Majesty that in times of our utmost apprehensions our breasts were ever filled with the purest sentiments of love and loyalty to the best of Kings; nor did we doubt but that your tender care over all your Subjects would (as soon as our grievances were made known) relieve us from a burden much too heavy for us to bear.

It is the glory and happiness of the Inhabitants of this your Province of North Carolina to look upon themselves as part of the British Empire; And as such to testify and acknowledge (upon all occasions) not only the love and duty of their hearts to your Majesty's Royal person, family and government, But also their cordial and natural attachment to the Mother Country: And we doubt not but that the wisdom and Justice with which the Parliament assisted your Majesty in your most gracious purposes, of not only relieving your American Subjects from their late unhappy situation but of opening new channels for trade and commercial advantages will be productive in us, of every proper sentiment of respect and gratitude.

With joy and thankfulness we acknowledge those recent instances of your Majestys goodness, and the Justice of Parliament, as thereby the happiness of your Subjects is secured and fixed upon the true basis of public Liberty.

That your Majesty may long reign in the hearts of an united grateful and happy people, and that when after a length of years, Heaven shall take you to itself, there never may be wanting one of your illustrious and gracious family to fill the Throne of the British Empire, are the ardent prayers of your Majestys most dutiful and loyal Subjects the Council and Assembly of this Province.

On motion ordered that the following address be sent to His Excellency the Governor as the joint address of both Houses, viz^t

To His Excellency William Tryon Esquire, Governor and Commander in Chief, in and over His Majestys Province of North Carolina

The Humble Address of the Council and Assembly of the said Province,

SIR,

We the Members of the Council and Assembly of this Province have prepared a joint address to our Most Gracious Sovereign, on the Subject of the many and signal instances of the Royal favour which he has recently conferred on his faithful subjects in America,

Emboldened by the kind assurances and encouragement you was pleased to give us in your answer to the address of the assembly, at the opening of the present Session,

We beg leave to recommend such our address to your Excellency: trusting that through your good offices, the sentiments and wishes of His Majestys faithful Subjects of this Province, will be safely and speedily laid before the Royal Presence,

Then on motion ordered the following Message be sent to the Assembly,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

We agree with the Address to His Majesty as prepared by the Committee and send it to you signed by our President.

We also send an Address (signed by our President) to the Governor recommending the same to his good offices, with which if you think proper you will concur

By order

J. BURGWIN Clk.

28th November 1766

Then the House adjourned till 9 o'clock tomorrow morning.

Saturday Morning 29th November 1766

The House met according to adjournment

Present as before

Received from the Assembly the Reports of the Committee of Claims which on motion was ordered to be read and further ordered that the following Message be sent to the Assembly Viz^t

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

We observe that you have allowed James Davis for printing the Laws and Journals of 1764 and last Session one hundred and ninety pounds which allowance we cannot think just, as a printer was by Commission under the late Governor appointed, whose office

it was to print the Laws and having performed that service is intitled to the proper salary, and we shall under no circumstances agree that any allowance shall be made to the said Davis or any other under any particular Resolve of your House and therefore propose that the said claim be disallowed and a Resolve pass the Houses that Andrew Stewart His Majestys printer be allowed the sum of one hundred pounds and James Davis be allowed the sum of one hundred and ninety pounds to be paid by the public Treasurers— We propose this in order to avoid entering more particularly into these matters at present and hope you will concur with us,

We would further propose to allow the Clerk of the Committee of Claims thirty pounds instead of twenty, as we conceive it an allowance more adequate to the service and dignity of both Houses.

By order

J. BURGWIN Clk,

29th November 1766.

It being signified to this House from the Assembly that, that House concurred with the address proposed to His Excellency, Ordered that this House wait on his Excellency to deliver the same in conjunction with the Assembly.

Then this House waited on his Excellency in conjunction with the Assembly and delivered the said address by the Honble John Rutherford Esq, to which His Excellency was pleased to return the following Answer, Viz'

HONBLE GENTLEMEN, MR SPEAKER AND GENTLEMEN OF THE HOUSE
OF ASSEMBLY

It is with the most grateful and sensible satisfaction I accept the Commission you honor me with— You may be assured I shall embrace the earliest opportunity to transmit your joint Address to His Majesty

Then the House adjourned till 9 o'clock to morrow morning

Monday Morning

The House met according to adjournment,

Present as before

Received from the Assembly by Mr Person and Mr Dawson the Reports of the Committee of Accounts read in the Assembly and

approved of and on motion was read in this House and concurred with.

JOHN RUTHERFORD P.

By order J. B. Clk.

Received from the Assembly by Mr Caswell and Mr Blount the following Message Viz^t

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

In answer to your Honors Message of Saturday last to prevent the force and authority of precedent to futurity (to avoid which we apprehend is the most weighty objection with your House to Mr James Davis his allowance) We agree that the sum of one hundred and ninety pounds allowed Mr Davis should appear not as acting under the sole Resolve of this House, but a claim for services done the public, and should Mr Andrew Stewart lay in his claim for services rendered the public as a printer We doubt not but it would be thought consistent with the duty of this House to observe the same rules of distributive Justice in the consideration of Mr Stewarts Claims as that of any other person, but as the commission he acted under is unknown to the Laws and constitution of our Country and consequently his salary if any (which we deny) uncertain we cannot conceive how we can be made acquainted with the measure of his service or the worth of his labour by any other method than by a claim on the public legally exhibited.

We cannot agree to augment the allowance made the Clerk of the Committee of Claims as we flatter ourselves he thinks the compensation made him by this House adequate to his service

As it would at all times yet more especially at this juncture give pain to offer anything that should be the cause of discontent to your Honors so on the contrary would it afford us the highest pleasure should this Answer to your message be thought satisfactory and thereby happily terminate the business of this Session, to which if you agree the Members of this House who carry this, will see the proposed alteration made

JOHN HARVEY Speaker

By order W^m HERRITAGE Clk
1st Dec. 1766.

The Honble Lewis DeRosset moved the House that they proceed to take into consideration the address of the Assembly in Answer to his Excellency's Speech at the opening of the Session.

The same was laid before the House and on mature deliberation,

Resolved, That the Assembly asserting in such their Address, that the want of a Treasurer and Agent was owing only to the indiscretions of this House, is an indecent and unjustifiable procedure and highly derogatory of the Honor of this House,

That the approbation of this House as to a Colony Agent is necessary and proper, but that the chief reason and cause of the miscarrying of the late Agent Bill was the refusal of the Assembly to allow this House a proper share in the Committee of correspondence.

Resolved, that the House of Assembly have not an exclusive right of appointing or nominating a public Treasurer, And that this House have a coequal right with them both in the nomination and appointment,

That the appointment of a Provincial Treasurer is a creation of the legislature here, dissimilar from and repugnant to the constitution of the British Government, That such appointment was originally participated and shared by the two Houses as appears by the several former Laws passed for appointing Treasurers,

That this House is at a loss to judge of the foundation upon which the Assembly ground this their exclusive right; And do not think in justice to the Crown or themselves they can or ought to give up such their joint and coequal right of nomination and appointment

Resolved that this House will at any time when called upon either by His Majesty or His Excellency the Governor, give the reasons at large upon which the above Resolves are founded.

Received from the Assembly their estimate of allowances &c^a which on motion was read approved of and agreed to and concurred with

JNO RUTHERFORD P.

By order

J. B. Clk

1st Dec 1766.

Sent to the Assembly by the Clk the estimate of allowances of this House for their concurrence, and rece'd the same back endorsed as under Viz^t

1st December 1766, In the Assembly, the above estimate concurred with except the allowance of one hundred pounds to John Burgwin Clk, for extra services this session to which this House cannot concur as we think that sum much too large for the service

JOHN HARVEY Speaker

By order

W^m HERRITAGE Clk,

Then His Excellency the Governor came to this House and commanded the attendance of the Speaker and Lower House of Assembly who accordingly attended and presented to His Excellency the following Acts for his assent Viz^t

1. An Act appointing John Ashe Esq public Treasurer in the room of John Starkey Esq.

2. An Act for erecting a convenient building within the Town of New-Bern for the residence of the Governor and Commander in Chief for the time being,

3. An Act for appointing the method of distributing Intestates Estates.

4. An Act for the relief of such persons as have or may suffer by not having their deeds &c proved and registered,

5. An Act for reviving and reenacting the several Acts of Assembly relating to the inspection of Tobacco.

6. An Act to continue an Act Intituled an Act for appointing a Militia

7. An Act to amend an Act for rendering more effectual the Laws making lands and other real estates liable to the payment of debts

8. An Act for faecilitating the navigation of Port Bath, Port Roanoke and Port Beaufort,

9. An Act to amend an Act concerning marriages

10. An Act for a further allowance of Commissions to Sheriffs &c^a

11. An Act to lay a tax on Pedlars and other Itinerant Traders, &c^a

12. An Act to amend an Act to prevent the exportation of unmerchable commodities,

13. An Act appointing James Davis Printer to this Province

14. An Act to prevent the Inhabitants of South Carolina driving their stocks of Cattle from thence to range and feed in this Province &c^a

15. An Act to amend an Act for establishing a Town in Orange County &c^a

16. An Act to continue an Act to suppress excessive and deceitful gaming.

17. An Act for further continuing an Act intituled an Act for the relief of Vagrants.

18. An Act to prevent hunting for and killing deer in the manner therein mentioned.

19. An Act for establishing a school house in New Bern.

20. An Act to empower the Justices of Beaufort County to build a court house, prison and stocks in Bath Town.

21. An Act to prevent the unreasonable destruction of Fish &c^a

22. An Act for establishing the Titles of the freeholders in Edenton &c^a

23. An Act to amend the Act for the regulation of the pilotage of Cape Fear River.

24. An Act for erecting a Court House and prison for the District of Edenton.

25. An Act for joining the navigation of Old Topsail Inlet to Neuse River &c^a

26. An Act to empower the Church Wardens and vestrymen of St. Johns Parish, Bute County to appropriate the surplussage money levied for public building &c^a

27. An Act for ascertaining the boundary lines between Duplin and New Hanover

28. An Act to encourage Benj^a Heron to build a bridge over the North East River

29. An Act to confirm a lease made by the Tuscarora Indians &c^a

30. An Act for allowing time for the payment of duties on wines and distilled liquors.

To which Acts His Excellency was pleased to give his Assent (except to the Act for allowing time for the payment of duties on wines and distilled liquors which he rejected) and then made the following Speech to both Houses Viz^t

HONORABLE GENTLEMEN, .

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY

I cannot close this Session without requesting your acceptance of my very sincere and hearty thanks for the provisions you have made for the happier establishment of this Government, both by the Public and private Acts, now ratified.

The generous and honorable attention you have paid to the several matters I have laid before you, claim equal returns of my acknowledgements; as I am sensible you have gone as far as the weak state of your public funds will admit.

I assure you Gentlemen the great trusts you have reposed in me strengthens my affectionate regard for the prosperity of this Province; and I shall endeavour to testify the gratitude I feel for such confidence, by a faithful and diligent discharge of the several services, you have committed to my care,

My warmest wishes have been constantly engaged in the service of my Royal Master and the real interest of this Colony; and I am happy in the experience this Session has given me to find a due dependancy on the Crown, and the just liberties of the subject may be preserved on so equal a balance as to give strength and power to the Throne, and secure happiness and true liberty to the People,

Then the House adjourned till tomorrow morning 10 o'clock.

Tuesday Morning 2^d December 1766.

The House met according to adjournment

Present as before.

In the Assembly, Resolved, That James Davis Printer be paid the sum of one hundred and ninety pounds by the Treasurer out of the contingent tax for services heretofore done by him for the Public and desire your honors concurrence

JOHN HARVEY Speaker

By order W^m HERRITAGE Clk

2^d Dec 1766,

In the upper House 2nd December 1766, the foregoing Resolve was read and concurred with,

JNO RUTHERFORD Presd^t

By order J. B. Clk,

On consideration of a disallowance by the Assembly to the extra Services in the estimate of this House to the Clerk Ordered that the following Message be sent to the Assembly

MR SPEAKER AND GENTLEMEN

It is with great surprise your House have refused to concur with this House in the Allowance to our Clerk for his extra services this

* Session which you think too large, We think each House are best Judges of the allowances to their officers, And as this House did not allow more than at a former session of shorter continuance than this and in which the services were not so great, We are at a loss to know for what reasons your disallowance is founded, However to prevent any disputes and to conclude this Session amicably, We propose the allowance to our Clerk for his extra services be reduced to seventy pounds if you agree please make a Resolve accordingly

Received from the Assembly the following Message Viz^t

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

In answer to your Message of this day relative to our noneconcurrence of Mr Burgwins Allowance for his extra services, We must inform you this House cannot agree to allow him the sum proposed by your said Message but will agree he be allowed fifty pounds being the sum allowed the Clerk of this House for his extra services during this Session, if that sum to Mr Burgwin meet your approbation please to signify the same to us and this House will Resolve accordingly

JOHN HARVEY Speaker

By order

W^m HERRITAGE Clk

2nd Dec 1766

2nd December 1766, On motion the House took under Consideration the Assemblys refusal of allowing one hundred pounds to the Clerk of this House for his extra services

Resolved, That such a refusal by the Assembly is highly derogatory to the dignity of this House which can be the only Judge of the Services performed by their Clerk and of the Allowance adequate to such service

Resolved that the sum of one hundred pounds is no more than what the clerk of this House deserves and is entitled to for his extra services this session and what has been allowed heretofore at Sessions of shorter continuance and in which there were many less services performed,

Then the General Assembly was prorogued by Parliament till 8th June next to meet at New Bern.

NORTH CAROLINA

At an Assembly begun and held at Newbern, the third day of November, in the seventh year of the reign of our Sovereign Lord George the third, by the grace of God, of Great Britain, France and Ireland King &c^a, and in the year of our Lord, One thousand seven hundred and sixty six; being the first session of this present Assembly,

In the House of Assembly.

Monday November 3^d 1766.

The Clerk of the Crown returned certificates of the due election of Representatives for the several Counties and Towns in this Province, to sit and vote in this present Assembly,

Pasquotank — Samuel Swann Jun, Thomas Taylor Jun, Joseph Jones, John Sawyer, Benj^a Palmer.

Carteret — William Cole, Richard Cogdell.

Perquimans — Benjamin Harvey, John Harvey, Charles Blount, John Skinner, Andrew Knox.

Wilmington — Corn^e Harnett.

Brunswick — Maurice Moore.

Dobbs — Abra^m Sheppard, Richard Caswell.

Beaufort — John Barron, Thomas Respass.

Anson — John Crawford, Samuel Spencer.

Currituck — John Woodhouse, Henry White, Stephen Williams, Kader Merchant, Joshua Campbell.

Halifax — John Bradford, William Branch.

Bladen — William Bartram, Hugh Waddell.

Edcombe — William Haywood, Duncan Lemmon.

Salisbury — John Mitchell.

Halifax — Joseph Montfort.

Bath — Patrick Gordon.

Rowan — John Frohock, Griffith Rutherford.

Northampton — Robert Jones, Henry Dawson, Edmund Smithwick.

Tyrrill — Stevens Lee, Benjamin Blount, Jasper Charlton, Francis Ward.

Pitt — John Spier, John Simpson.

Orange — Edmund Fanning, Thomas Lloyd.

Granville — Robert Harris, Samuel Benton.

Hyde—William Webster, John Smith.
Mecklenburg—Thomas Polk, Martin Fifer.
Brunswick—Robert Howe, John Paine.
Bertie—Cullen Pollock, William Gray, Robert Lennox.
Craven—Thomas Clifford Howe, Jacob Blount.
New Bern—Alexander Elmsley.
Bute—Benjamin Person, Benjamin Ward.
Edenton—Joseph Hewes.
Onslow—William Gray, Richard Ward, Edward Vail.
Chowan—Samuel Johnston, Timothy Walton, James Bond and James Blount.

Pursuant to which the following Representatives appeared, to wit,
Mr Pollock, Mr Cogdell, Mr Elmsley, Mr Respass, Mr Barron, Mr Payne, Mr Sawyer, Mr Robert Harris, Mr Fanning, Mr White, Mr Spier, Mr John Harvey, Mr Webster, Mr Cray, Mr Mau^r Moore, Mr Bradford, Mr Sheppard, Mr Ja^s Blount, Mr Jacob Blount, Mr Mitchel, Mr Haywood, Mr Benjamin Ward, Mr Stephen Williams, Mr Person, Mr Skinner, Mr Benton, Mr Samuel Johnston, Mr Joshua Campbell, Mr Vail, Mr Frohock, Mr Cole, Mr Hewes, Mr Branch, Mr Charles Blount, Mr Benjamin Harvey, Mr Caswell, Mr Fifer, Mr Rutherford, Mr Dawson, Mr Simpson, Mr Joseph Williams, Mr Spencer, Mr Ward, Mr Loyd, Mr Benjamin Blount, Mr Patrick Gordon, Mr Jones, Mr Polk, Mr Knox, Mr Woodhouse, Mr Smithwick, Mr Waddell, Mr Harnett and Mr Robert Howe.

Two members waited on his Excellency the Governor, and acquainted him a majority of the Representatives were met, and qualified; and desired to know when they should wait on his Excellency; who returned for answer, immediately.

The Members waited on his Excellency the Governor in the Council Chamber when his Excellency was pleased to direct them to return and make choice of a Speaker

The Members returned, and Mr Caswell moved that John Harvey Esquire be chosen Speaker; and was unanimously chosen Speaker, and placed in the Chair accordingly.

Mr Howe and Mr Fanning waited on his Excellency the Governor, and acquainted him the Members had made choice of a Speaker, and desired to know when they should wait on him for his approbation; and being returned acquainted the Members that his Excellency said he would receive them immediately.

The Members waited on his Excellency the Governor in the Council Chamber and presented John Harvey Esquire to His Excellency for approbation, who was pleased to approve of their choice. Then Mr Speaker asked His Excellency to confirm the usual privileges of the House particularly of that of freedom of speech, to which his Excellency for answer was pleased to say, the House might depend he would preserve to them all their just rights and privileges.

Then Mr Speaker, with the House returned. William Herritage, Gentleman was unanimously chosen and appointed Clerk to this House, and took his place accordingly

Henry Books was appointed Door keeper to this House, during the absence of Francis Liner.

Then the House adjourned till 10 o'clock tomorrow morning.

Tuesday, November 4th 1766.

The House met according to adjournment,

His Excellency the Governor sent a Message to this House, desiring the immediate attendance thereof.

Mr Speaker with the House waited on his Excellency the Governor in the Council Chamber, where his Excellency then made a Speech to His Majestys Honorable Council and this House, a copy of which to prevent mistakes, Mr Speaker obtained

Then the House returned, Mr Speaker acquainted the House, that they had waited on his Excellency the Governor and that his Excellency was pleased to make a speech to His Majesty's Honorable Council and this House, and laid the same before the House; and also a letter from the Duke of Richmond; which were ordered to be read, the same were accordingly read.

Ordered, the said Speech be entered on the Journal of the House, and is as follows, Viz^t

[For the Governor's speech see Journal of Upper House. — EDITOR.]

His Excellency the Governor sent the several Acts of Parliament and papers referred to in his Speech, which were read.

Mr Elmsley, Mr Maurice Moore, Mr Johnston, Mr Harnett, Mr Fanning, Mr Robert Howe, Mr Hewes, are appointed a Committee to prepare an address in answer to his Excellency the Governors Speech, and lay the same before the House for approbation

Mr Barron, Mr Vail, Mr Harnett, Mr Frohock, Mr Charles Blount, Mr Benton, Mr Lloyd, Mr Caswell, Mr Knox, Mr Harris, and Mr Waddell, are appointed a Committee of Priviledges and Elections

Mr Harnett, Mr Harris, Mr William Cray, Mr Person, Mr Hewes, Mr Dawson, Mr Johnston, Mr Fanning and Mr Charles Blount are appointed a Committee to state and settle the public Accounts of this Province.

Mr Caswell, Mr Benton, Mr Frohock, Mr Waddell, Mr Vail, Mr Barron, Mr Haywood, Mr Bradford, Mr Paine, Mr Pollock, Mr Respass, Mr Lloyd, and Mr Spencer, are appointed a Committee to settle and allow the public claims of this Province.

Mr James Blount, Mr Shepard, Mr Harris, Mr Lloyd, Mr Skinner, Mr Jacob Blount, Mr Smithwick, Mr Respass, Mr Rutherford, Mr Branch, Mr Dawson, Mr Cogdell, Mr Williams, Mr Joseph Jones, Mr Pollock, Mr Benjamin Ward, Mr Polk, Mr Waddell, Mr Cray, Mr Spier, Mr Webster, Mr Spencer, Mr Hewes, Mr Harnett, Mr Elmsley, Mr Mitchell and Mr Haywood are appointed a Committee of Propositions and grievances.

On motion Resolved that Christopher Neale be appointed assistant Clerk of this House.

Resolved the following Message be sent to His Majestys Council

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL

This House have appointed Mr Harnett, Mr Harris, Mr Cray, Mr Person, Mr Hewes, Mr Dawson, Mr Johnston, Mr Fanning and Mr Charles Blount a Committee of this House to state and settle the public accounts of this Province, and Mr Caswell, Mr Benton, Mr Frohock, Mr Waddell, Mr Vail, Mr Barron, Mr Haywood, Mr Bradford, Mr Payne, Mr Pollock, Mr Respass, Mr Lloyd and Mr Spencer to settle and allow public claims on the Province in conjunction with such of your Honours as you shall think proper to appoint

JOHN HARVEY Sp.

Sent by Mr Fanning and Mr Frohock *

Then the House adjourned till 10 °Clock tomorrow morning.

Wednesday November 5th 1766

The House met according to adjournment

Rec^d the following Message from the Council,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY

In answer to your message relative to the Committees, We have appointed the Hon^{ble} Alexander McCulloch, William Dry and Robert Palmer Esquires a Committee of this House to examine state and settle the Public Accounts, And the Hon^{ble} Lewis Henry DeRosset, John Sampson, and Henry Eustace McCulloh, Esquires a Committee of this House to settle and allow the Public Claims.

Rec^d from the Council the following Message Viz^t

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY

This House have nothing more at heart than the preservation of that good order and harmony, which every friend to the Public must wish to see subsist cordially between the two Houses, We have taken into consideration a former proposal of appointing Committees to establish the decorum of the same, and have appointed the Honorable, Lewis DeRosset, John Sampson, and Henry Eustace McCulloh Esquires a Committee of this House, to consider and report upon the decorum to be observed in the future transacting of the public business between the two Houses; and also as to the sums that shall hereafter be allowed on the estimates for the extra services of the clerks, and the several Clerks of the Committees and other Clerks occasionally employed, which after being concurred with by the two Houses and entered in the respective Journals thereof, shall be the rules to be observed for the future as to their decorum, and for making out the estimates, in connection with such of your Members as you shall think proper to appoint

Mr Harnett, Mr Howe, Mr Mau^r Moore, Mr Elmsley, and Mr Johnston are appointed a Committee to join that of his Majesty's Council, to settle the decorum of the two Houses &c^a

Two of the Members of his Majesty's Council came to the House, and Mr Jasper Charlton one of the Members for Tyrrel County appeared took the oaths by law appointed for his qualification, subscribed the test and took his seat in the House.

The House being informed that Mr Robert Jones who was elected one of the Representatives for Northampton County is since dead,

Resolved, the following Message be sent to his Excellency the Governor, Viz^t

TO HIS EXCELLENCY WILLIAM TRYON, ESQUIRE, CAPTAIN, GENERAL GOVERNOR &c

SIR,

This House having been informed that Robert Jones jun. Esquire. who was elected one of the Representatives for Northampton County, is dead, therefore desire your Excellency will be pleased to direct the Clerk of the Crown to issue a Writ for Electing a Representative for Northampton County in the room and stead of the said Robert Jones; to sit and vote in this present Assembly

JOHN HARVEY Sp.

Then the House adjourned till 4 °Clock in the afternoon.

P. M. The House met according to adjournment

Then the House adjourned till tomorrow Morning 10 °Clock.

Thursday November 6th 1766

The House met according to adjournment

Mr Benton moved for leave to bring in a Bill, to amend and continue an Act Intituled an Act, to amend and continue an Act, Intituled an Act for dividing this Province into five several Districts; and for establishing a Superior Court of Justice in each of the said Districts, and regulating the proceedings therein, which was objected to and the question put and passed in the negative.

Mr Hewes from the Committee appointed to prepare an Address in answer to his Excellency the Governor's Speech, presented the same, The Same was read, approved of, and ordered to stand the Address of the House, and be entered on the Journal thereof; and is as follows Viz^t.

NORTH CAROLINA—Ss.

TO HIS EXCELLENCY WILLIAM TRYON, ESQUIRE, HIS MAJESTYS CAPTAIN GENERAL, GOVERNOR AND COMMANDER IN CHIEF, IN AND OVER THE SAID PROVINCE.

SIR.

We his Majestys most dutiful and loyal subjects, the Representatives of the Inhabitants of this Province, thank your Excellency for your Speech at the opening of this Session.


This House is truly sorry Sir, that any reason whatever, should have prevented your meeting this Assembly till this time; The

alarming tendency of the Stamp Act, and the reproachful names of Rioters and Rebels, which were liberally bestowed on his Majestys faithful Subjects of North America rendered it (in our opinion) highly expedient that this House should have been Assembled some months sooner; In times of public calamity and distress, when the loyalty and attachment to His Majesty's sacred person and government of a whole people are arraigned, no measure can be more essentially necessary to the interest and honour of a Province, than to give it an opportunity of testifying its duty and allegiance to the Crown, and imploring a redress of those grievances with which it is oppressed,

With hearts filled with gratitude, we acknowledge the tender and paternal care of our most Gracious Sovereign, and the wisdom and justice of the British Parliament; to these sir, We attribute the repeal of the Stamp Act; a measure that hath restored peace and tranquility to this extended Continent, and effectually secured its warmest affection to the Mother Country —

This House is truly sensible of the conduct and behaviour which ought to be observed on this occasion; it is our duty to acknowledge in the most grateful manner, the moderation and goodness of His Majesty, and the Justice of his Parliament in removing from us a burden much too heavy for us to bear; and we beg leave with real sincerity to assure your Excellency, that we should Esteem it a great happiness to have it in our power to concur with our Sister Colonies in testifying an inviolable attachment to the person of our sovereign, and a just and dutiful dependance on his Government: But it is the peculiar misfortune of North Carolina, to be deprived of those means which the other provinces peaceably enjoy (and to which this has also an unquestionable right) of making known such their dutiful dispositions; and if we are wanting in the general suffrage, we hope the censure will fall on those only whose indiscretions are the cause of it.

In every other part of his Majesty's American Dominions, where the Constitution is similar to that of this Province, the Representatives of the people enjoy the priviledges of naming an agent to represent their loyalty to his Majesty and implore his most gracious protection, the concurrence of the other Branches of the Legislature being considered as necessary only to give a sanction to such nomination: This priviledge, as well as that of naming their Treasurers, the people of this Province are denied by the Members of His



Majesty's Council; a circumstance which we greatly fear may be followed by consequences fatal to the tranquility and repose of this Province. This House however Sir, is too sensible of your Excellency's desire of promoting our happiness and prosperity, not to hope that you will be pleased to exert every practicable endeavour to restore the people to the exercise of their just rights and privileges and to establish the peace and quiet of the Province on the most lasting and permanent foundation.

We cannot help expressing the deep concern we feel, that the Colonies should be charged with those marks of undutiful dispositions which your Excellency has been pleased to say hath been testified in their late transactions. We are persuaded Sir, that the conduct of the Colonies in general and of this in particular hath been actuated and influenced by nothing other than loyalty to the King, the Strongest attachment to the Constitutional Laws common in America as well as to Britain, and the tenderest regard for that Liberty which they were to secure; In this light would that conduct have been viewed, had not those who were strangers to the true interest of Great Britain and her Colonies, injuriously represented it in England as resulting from disaffection to the Crown, and a desire of Independence of the Mother Country.

The unhappiness your Excellency informs us you experienced from the public distractions this Province was lately thrown into, we are heartily sorry for; it was an unhappiness which few residing in this Country were exempt from: That General confusion from which it arose, is justly chargeable on those who, unauthorized by the Act of Parliament, uninstructed by the Crown, and unincouraged by your Excellency pursued measures injurious to the rights and liberties of this Colony, and destructive to its trade and Commerce.

We have nothing more at heart sir, than to see the seat of Justice, as well as every other public office in this Province, filled with able and judicious men; for such hath this House been ever ready to provide adequate salaries, but at present we are fearful the scarcity of currency and the heavy taxes, with which our Constituents are burthened, will [not] put it in our power to make that provision your Excellency hath recommended; every other matter mentioned by your Excellency we shall pay due attention to.

Permit us Sir, to congratulate you on a peculiar mark of the royal favour to this Province, manifested to us, in your appointment

to this Government; and be assured, we will cheerfully take all occasions to render your administration easy and happy.

JOHN HARVEY Sp.

Then the House adjourned till 10 o'clock tomorrow morning

Friday November 7th 1766

The House met according to adjournment

A Certificate of Election of two Members for New Hanover County was returned by the Clerk of the Crown, Pursuant to which Mr John Ashe and Mr James Moore appeared.

Mr Fanning presented a petition from many of the Inhabitants of Orange and Rowan Counties, for erecting and establishing part of the said two Counties into a County by the name of ——— County, which was read, and on Motion Ordered, that Mr Fanning, Mr Frohock, Mr Lloyd, and Mr Rutherford, prepare and bring in a Bill pursuant to the said petition.

Two of the Members of His Majesty's Honorable Council came to the House, and Mr John Ashe and Mr James Moore the two members for New Hanover County, appeared, and also Mr John Smith one of the members for Hyde County, appeared, took the Oaths appointed for their qualification, subscribed to the Test, and took their seats in the House.

Resolved, that Mr Ashe be added to the Committee to settle the decorum of the two Houses.

Mr Barron moved for leave to bring in a Bill for appointing a Public Treasurer in the Southern District in the room of John Starkey Esq^r deceased.

Ordered that he have leave and that he prepare and bring in the same.

Mr Moore moved for leave to bring in a Bill, for allowing further time, for registering such deeds and Mesne conveyances as have not been Registered within the time limited by the Act of Assembly in that case made and provided.

Ordered, that he have leave, and that he prepare and bring in the same.

Then the House adjourned till 3 o'clock in the afternoon.

P. M. The House met according to adjournment

Mr Benton presented the petition of Peter Blinn Gentleman, complaining of an undue election of a Representative for the Town of Bath, which was read.

Ordered the said petition be referred to the Committee of Privileges and Elections.

Mr Fanning and Mr Howe waited on His Excellency the Governor and acquainted him the House desired to know when he would receive the address thereof, and being returned reported, that His Excellency would receive the same on Monday morning.

A Certificate of the Election of Walter Gibson and Farquher Campbell, Esquires Representatives for Cumberland County, was returned by the Clerk of the Crown. Pursuant to which Mr Farquher Campbell appeared.

Two of the Members of His Majesty's Council came to the House, and Mr Farquher Campbell took the Oaths by Law appointed for his qualification, subscribed the Test, and took his seat in the House.

On motion ordered, that Mr Farquher Campbell be added to the Committee of Privileges and Elections

Resolved that the following Message be sent to the Council, Viz^t

GENTLEMEN OF HIS MAJESTYS •HONBLE COUNCIL,

In answer to your Message of the 4th Instant, regarding the Committee appointed by your House to settle the decorum between the two Houses, This House have appointed, Mr Harnett, Mr Robert Howe, Mr Mau Moore, Mr Elmsley, Mr Johnston and Mr Ashe, a Committee thereof, to join the Committee appointed by your Honours for that purpose.

JOHN HARVEY Sp

Sent by Mr Fanning and Mr Person.

Sent by Mr Fanning and Mr Person the Message to his Excellency, regarding his Excellency directing the Clerk of the Crown to issue a writ for electing a Member to serve in this present Assembly, for Northampton County, in the room of Robert Jones Jun^r Esquire who is dead; and being returned, reported his Excellency said he would direct the Clerk of the Crown to issue a Writ for that purpose immediately.

Then the House adjourned till 10 o'clock tomorrow morning.

Saturday, November 8th 1766

The House met according to Adjournment

Two of the Members of his Majesty's Honorable Council came to the House and Mr Benjamin Palmer one of the Representatives for

Pasquotank County appeared took the oaths by Law appointed for his qualification, repeated and subscribed the test, and took his seat in the House.

Mr Barron according to order brought in a Bill for appointing a Treasurer, in the room of John Starkey Esquire deceased which he read in his place, and delivered in at the Table where the same was again read by the Clerk, passed, and ordered to be sent to the Council

Sent the same by Mr Jacob Blount and Mr Man Moore.

Mr Harnett from the Committee of Priviledges and Elections, reported that the said Committee had taken under consideration, the petition of Peter Blinn, complaining of the undue election of Patrick Gordon, Esquire a Representative for Bath Town, and considered the proofs and allegations of both the parties; and after due and mature consideration are of the opinion that the Election of the said Patrick Gordon was illegal, and that the said Peter Blinn Esquire was duly Elected a Member of the aforesaid Town, and submitted the same to the House. — The House having taken the said report under consideration, concurred therewith.

Mr Charlton presented the petition of Solomon Ewell complaining of the elopement of his Wife Lydia and her living in adultery with one Samuel Colten of Northampton County, and praying an Act may pass to dissolve the Marriage of the said Solomon and Lydia; and moved that a Committee be appointed to examine into the truth of the several allegations in the said petition contained, which was objected to; on which the motion was made and question put, if the said Committee be appointed or not and carried in the affirmative, and Mr Fanning, Mr Charlton, Mr Dawson, Mr Bradford, and Mr Harris are appointed a Committee agreeable to the said motion; and that they have power to send for persons and papers, and report their proceedings thereon to the next Session of Assembly,

Mr Barron presented the petition of William Cumming, setting forth he is returned by the Sheriff of Pasquotank County, a Representative for the Town of Nixonton in said County — praying the House would take the said petition under consideration.

Resolved, that the said petition be referred to the Committee of Priviledges and Elections.

On motion Mr Charlton, Mr Ashe, and Mr Spier be added to the Committee of Priviledges and Elections.

Mr Knox moved for leave to bring in a Bill for facilitating the navigation of Port Roanoke, Port Bath, and Port Beaufort.

Ordered that he have leave and that he prepare and bring in the same,

Mr. Person presented the Petition of many of the Inhabitants of Bute County setting forth, after building the several Public Buildings in said County a surplussage of the Tax raised, for that purpose remains: Praying the use and benefit of the said surplussage may be applied to the use of St John's Parish, in said County, and moved for leave to bring in a Bill pursuant to the prayer of the said petition

Ordered that he have leave accordingly, and that he prepare and bring in the same,

Mr Barron moved for leave to bring in a Bill to empower the Justices of Beaufort County, to build a Court House, prison and stocks, in Bath Town, for the use of the said County, which he read in his place and delivered in at the Table, where the same was again read by the Clerk, passed, and ordered to be sent to the Council

Sent by Mr Barron and Mr Respess,

Mr Person presented the petition of George Pearce and Samuel Evens, praying to be exempt from paying public taxes, and performing public duties, Granted,

And of Richard Acock, of said County; praying to be exempt from paying public taxes and doing public duties—Granted.

Mr Simpson presented the petition of Thomas Williams, the elder of Pitt County, praying to be exempt from paying public taxes, and doing public duties—Granted

Mr James Blount presented the petition of James Johnston, and James Hicks, of Chowan County; each praying to be exempt from paying public taxes and doing public duties—Granted

Then the House adjourned till Monday Morning 10 o'clock

Monday November 10th 1766.

The House met according to adjournment

Rec^d from the Council the Bill for appointing a public Treasurer, in the room of John Starkey Esquire, deceased, Endorsed, November 10th 1766, In the upper House read the first time and passed.

Mr Frohock moved for leave to bring in a Bill for the relief of such persons as have suffered or may suffer, by not having their

deeds and mesne conveyances proved and registered within the time heretofore appointed for such purposes

Ordered that he have leave accordingly

Mr Frohock brought in the aforementioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk, passed and ordered to be sent to the Council

Sent the same to the Council by Mr Frohock and Mr Spencer,

Mr Fanning moved for leave to present a Bill, to confirm a lease made by the Tuscarora Indians to Robert Jones, William Williams, and Thomas Pugh Esquires,

Ordered that he have leave accordingly

Mr Fanning presented the above mentioned Bill which he read in his place, and delivered in at the Table, where the same was again read by the Clerk, on which the question was put, that the said Bill pass; whereto, Mr Mau Moore objected, on which the question was put and carried in the affirmative

Ordered that the same be sent to the Council

Sent the same to the Council by Mr Fanning and Mr Benton.

Mr Cogdell moved for leave to bring in a Bill to Establish a school House in the Town of New Bern,

Ordered that he have leave accordingly

Mr Knox according to order brought in a Bill for facilitating the navigation of Port Roanoke, Port Bath, and Port Beaufort, which he read in his place, and delivered in at the table, where same was again read by the Clerk passed and ordered to be sent to the Council.

Sent the same to the Council by Mr Knox and Mr Person.

Mr Waddell presented and read the petition of several of the Inhabitants of Rowan, Anson, and Mecklenburg Counties, and others; setting forth many great hardships they endure for want of roads being established in and through the said Counties, praying an Act may pass pursuant to the prayer thereof.

On motion Mr Frohock, Mr Fifer, Mr Waddell, Mr Rutherford, Mr Spencer, and Mr Campbell are appointed a Committee to prepare and bring in a Bill for cutting and clearing a road from Anson, Rowan and Mecklenburg Counties, and the several other Counties therein mentioned, the best and nearest way to Wilmington on Cape Fear River,

The Clerk of the Crown sent a certificate of the Election of Felix Kenan and Joseph Williams Representatives for Duplin County.

Mr Benton moved for leave to present a Bill to continue an Act, for appointing a Militia

Ordered that he have leave accordingly

Mr Benton presented the above mentioned Bill which he read at his place and delivered in at the Table, where the same was again read by the Clerk, passed and ordered to be sent to the Council.

Sent the same to the Council by Mr Benton and Mr Harris

Mr Benton moved for leave to present a Bill, to revive and continue an Act for the more effectual suppressing of Felonies, and punishment of counterfeiters of the paper currency of this Province and Virginia.

Ordered that he have leave accordingly.

Mr Benton presented the above mentioned Bill, which he read in his place and delivered in at the Table, where the same was again read by the Clerk, passed and ordered to be sent to the Council

Sent the same to the Council by Mr Benton and Mr Harris.

Mr Benton moved for leave to present a Bill for the further continuing an Act, Intituled, an Act for the restraint of Vagrants.

Ordered, that he have leave accordingly

Mr Benton presented the above mentioned Bill, which he read in his place and delivered in at the Table, where the same was again read by the Clerk passed and ordered to be sent to the Council

Sent the same to the Council by Mr Benton and Mr Harris.

His Excellency the Governor sent a Message to this House desiring the immediate attendance thereof, at his House.

The House in a full body, waited on His Excellency the Governor at his House, and Mr Speaker presented to Him the Address of the House; to which his Excellency was pleased to make an Answer; a copy of which to prevent mistakes Mr Speaker obtained.

The House returned and Mr Speaker laid the same before the House, which on motion was read and ordered to be entered on the Journal of this House. and is as follows, to wit,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I will not enter minutely into every particular part of your Address, least I might be thought to deviate from those principles of generosity I professed to pattern from his Majesty and the Parliament.

The reproachful and detestable title of Rebel you mention to have been liberally given to his Majesty's subjects on this Continent, and

the injurious representations you say have been made of them in England, I am an utter stranger to; such an approbious title never found place in my breast; nor am I conscious of having ever misrepresented or aggravated any part of the disturbances in the Colonies, either general or particular.

The real and equitable motives on which you fix the repeal of the Stamp Act and your grateful Acknowledgments for the same, give me great satisfaction: I am sensible these Testimonials will be graciously received by his Majesty and the Parliament, as your warm affection for the Mother Country will, I am sure, meet with adequate cordiality and attachment.

The irregularity in the appointment of an agent in the Administration of the affairs of this Colony, has long been a matter of Complaint and difficulty, both here and at home.

Though I cannot agree with you, Gentlemen, that the mode of the appointment of two bodies of the Legislature is merely by way of sanction; yet to show my desire to preserve the tranquility of this Province until I can lay the matter of your Grievances as stated, before his Majesty, and his determined Resolution had thereon, you shall find me willing to concur with both Houses in the appointment of an Agent and Treasurers; not doubting but the nomination will fall upon fit persons properly qualified: This I understand to be the spirit of the mode of the appointment and this at present shall be the rule of my conduct; I trust his Majesty's Council will be inclined to observe the same,

I could wish this Country, and this House in particular, would consider me as their Agent in every laudable action, or beneficial Measure, which the true state of their circumstances demands or admits; It is my duty, were it not my inclination, to solicit and promote the happiness of the Inhabitants of this Province; a different conduct would not only be a breach of my office, but counteract one great motive of my coming in America.

I thank you Gentlemen, for your compliment and congratulation on my appointment to this Government, and for all other your good intentions toward me; I wish my conduct had appeared less deserving of public censure, and that better opportunities may be given me of testifying my sincere attachment to the true interest of this Colony.

Mr Benton moved for leave to present a Bill to continue an Act to prevent excessive and deceitful gaming.

Mr Benton presented the above mentioned Bill, which he read in his place, and delivered in at the Table, where the same was again read by the Clerk, passed and ordered to be sent to the Council,

Sent the same by Mr Harris and Mr Benton,

Mr Hewes moved for leave to bring in a Bill to amend an Act Intituled an Act, for establishing the titles of the Freeholders in Edenton, for laying a Tax for finishing the Church begun in the said Town; and for the further improvement and better regulation thereof.

Ordered that he have leave accordingly

Mr Hewes presented the above mentioned Bill, which he read in his place and delivered in at the Table; where the same was again read by the Clerk, passed and ordered to be sent to the Council

Sent the same by Mr Benton and Mr Harris

Rec^d from the Council the Bill for appointing a Public Treasurer in the room of John Starkey Esquire, deceased &

The Bill for the relief of such persons as have suffered, or may suffer by their not having had their deeds and mesne conveyances proved and registered within the time heretofore appointed for such purposes, Endorsed, In the upper House read the first time and passed.

On motion ordered that Mr Howe, Mr Pollock, Mr Palmer and Mr Mau Moore be added to the Committee of Priviledges and Elections.

Mr Elwin brought an extract of two of His Excellency's instructions from his Majesty; and also a verbal message from his Excellency, that it was his request the said extract should be entered on the Journal of this House,

On motion ordered, the same be entered accordingly; and are as follows, to wit,

Extracts from his Majesty's Instructions to His Excellency,

"Whereas several inconveniences have arisen to our Governments in the Plantations by gifts and presents made to the Governors by the General Assembly; for prevention thereof, for the future, It is our express will and pleasure, that neither you the Governor or any Governor, Lieutenant Governor, Commander in Chief, or President of the Council of our said Province of North Carolina, for the time being do give your or their consent to the passing of any Law or

Act for any gift or present to be made to you or them by the Assembly; and that neither you nor they do receive any gifts or present from the Assembly or others, on any Account, or in any manner whatsoever, upon pain of our highest displeasure, and of being recalled from the Government,

“And we do further direct and require, that this declaration of our royal will and pleasure, contained in the foregoing Article, be communicated to the Assembly at the first meeting after the receipt of these instructions to you, and entered on the Journals of the Council and Assembly, that all persons whom it may concern may govern themselves accordingly.”

Received from the Council the Bill for confirming a lease made by the Tuscarora Indians to Robert Jones Jun^r, William Williams and Thomas Pugh Esquires.

Endorsed, November 10th 1766, In the upper House read the first time and passed,

Then the House adjourned till 4 o’Clock in the Afternoon.

P. M. The House met according to adjournment.

Two of the Members of his Majesty’s Council came to the House, and Mr Peter Blinn the Member from Bath-Town appeared, and Mr Kenan one of the Members for Duplin County appeared, took the Oaths by Law appointed for their qualification, subscribed the test, and took their seats in the House.

Mr Benton acquainted the House that himself with many other Members were met by Captain Morgan, in an insulting and hostile manner, asked them what they meant by sheltering a murderer, a scoundrel, and a villain; and at the same time, drew a pistol from under his Coat; which he cocked, and for some time held in his hand, till one of the Members of this House went to him and took the said pistol out of his hand.

Thereupon it is Resolved, That the uttering such words to the Members thereof in manner aforesaid, is a great insult, and a manifest breach of the privilege thereof; and therefore moved that the said Captain Jeremiah Morgan, be sent for, in custody of the sergeant at Arms, and brought to the Bar of this House, to answer the above contempt; and that Mr Speaker issue his Warrant accordingly,

Then the House adjourned till 10 o’Clock tomorrow morning.

Tuesday 11th November 1766

The House met according to adjournment.

Ordered that Mr James Moore be added to the Committee appointed to prepare a Bill for making a road through the Counties of Anson, Cumberland &c^a

Ordered the Bill, for the relief of such persons as have suffered or may suffer by not having had their deeds &c^a proved and registered within the time &c^a be read a second time, Read the same a second time passed and ordered to be sent to the Council

Mr Fanning moved for leave to present a Bill to encourage Benjamin Heron to build a bridge over the North East Branch of Cape Fear River &c^a

Mr Charlton moved for leave to present a Bill, to prevent the entering up of Judgments by confession in certain cases.

Ordered he have leave accordingly.

Mr Charlton presented the above mentioned Bill which he read in his place and delivered in at the Table, where the same was again read by the Clerk, passed, and ordered to be sent to the Council.

Sent by Mr Payne and Mr Moore.

Mr Vail presented the petition of William Shaw setting forth that he has been in the service of this Province against the French and Indians on the Ohio, &c^a praying such allowances on provision as this House shall think proper,

The House taking the same under consideration and the several matters contained in the petitioners petition, Resolved, the said petitioner be allowed and paid during his natural life, by the public Treasurers of this Province out of the Contingent Tax, the sum of twenty pounds immediately for the present year, and ten pounds p. annum so long as he shall afterwards live; a certificate being produced before the receipt of each annuity, to the Treasurer from whom the same shall be received from the Court of the County where the said William Shaw resides at the time the said annuity shall be requested from such Treasurer that he the said William Shaw is alive.

Resolved, the above Resolve be sent to his Excellency the Governor and his Council for concurrence.

On motion ordered the Bill for appointing a public Treasurer in the room of John Starkey Esquire, deceased, be read a second time, Read the same a second time amended, passed and ordered to be sent to the Council

Sent the same to the Council by Mr Benton and Mr Vail.

Rec^d from the Council the Bill to encourage Benjamin Heron Esquire to build a bridge over the North East branch of Cape Fear River at or near the place where the ferry is now kept by Edward Davis, Endorsed November 11th 1766, In the upper House read the first time and passed, and,

The Bill to continue an Act, Intitled an Act, to suppress excessive and deceitful gaming, and,

The Bill to revive and continue an Act, for the more effectual suppressing of Felonies, and punishing of Counterfeiters of the paper currency of this Province and of Virginia, and also,

The Bill for the further continuing an Act, Intitled an Act for restraint of Vagrants, and for making provision for the poor and other purposes. Endorsed, November 10th 1766, In the upper House read the first time and passed.

Mr Frohock presented a certificate from the County Court of Rowan, recommending Alexander Hugh to be exempt from paying public taxes and doing public duties, Granted.

And a certificate from the County of Rowan recommending Samuel James and William Story of said County be exempt from paying public taxes, Granted,

And a certificate from the aforesaid County Court recommending Henry Evans to be exempt from paying public taxes and doing public services — Granted.

And also a certificate from the said County Court recommending John Lopp of said County to be exempt from paying public taxes and doing public duties — Granted.

Rec^d from His Excellency the Governor a written Message, as follows, to wit,

GENTLEMEN OF THE HOUSE OF ASSEMBLY

I send you for your perusal and consideration, the speech of the Chief men of the Tuscarora Nation, delivered to me last Friday; together with the Patent, under the seal of the Province, for a Tract of Land granted them in Bertie County; the mode they now propose for reimbursing the money that has been advanced for the removal of part of their Nation, being different from that set forth in their original Petition, I should recommend some provision might be made for the cloathing and present subsistence of the Indians now in Town.

W^m TRYON

And also the Speech of Thomas Basket, and the Chiefmen of the Tuscarora Nation; which is as follows, Viz^t

The Speech of Thomas Basket and the Chief men of the Tuscarora Nation,

TO HIS EXCELLENCY WILLIAM TRYON ESQUIRE GOVERNOR, COMMANDER IN CHIEF &c^a OF NORTH CAROLINA.

BROTHER,

We come to assure you of our loyalty to the great King over the water and to desire your friendship and protection; in token whereof we present you with these Deerskins; Poverty must excuse the smallness of the present, for we are mostly old men, unable to hunt, our young men having gone to the Northward with the Northern Chief, Tragaweha.

Many years ago a certain Tract of Land in Bertie County, was given by treaty to King Blount and his Subjects, for their fidelity to the English Part of this Land we have leased to Messrs. Jones, Williams, and Pugh and we desire the lease may be confirmed, and the penalties of the Act, of 1748, repealed, so far as relates to the Land that is leased.

We are by education and custom, unable to acquire a livelihood otherwise than by hunting; and as ill natured persons frequently take away and break our guns, and even whip us for pursuing game on their Land, we beg of your Excellency to appoint Commissioners (as heretofore) to hear our complaints, and redress our grievances.

One Sarah Bates has for some years rented a Tract of Land from us, but as our bounds are now become more circumscribed we choose, and if [she] should refuse so to do, on a friendly application, we must request you to direct the Attorney General to eject her, and indeed to render us other services in the same manner as Mr Robert Jones was wont to do in his lifetime.

We entreat your Excellency to dispatch our business with all convenient speed; for those Indians whom we have left at home are old men and children, incapable of providing for themselves, if cold weather should come on.

THOMAS BASKETT
WILLIAM TAYLOR
WHITMELL TUFFDICK
BILLY ROBERTS,
LEWIS TUFFDICK
THOMAS BLOUNT

BILLY DENNIS
JOHN CAINE
BILLY BLOUNT
JAMES MITCHEL
BILLY OWEN.

Resolved the following Message be sent to His Excellency the Governor, Viz^t.

TO HIS EXCELLENCY WILLIAM TRYON, ESQUIRE CAPTAIN, GENERAL GOVERNOR, AND COMMANDER IN CHIEF IN AND OVER HIS MAJESTY'S PROVINCE OF NORTH CAROLINA,

SIR,

We have received your Excellency's Message of this day by Mr Elwin accompanying the Speech made to your Excellency on Friday last by the Chiefmen of the Tuscarora Indians, together with a plat of their Land; which this House will take into consideration as soon as possible

JOHN HARVEY Sp

Sent by Mr Harnett and Mr Charles Blount

Ordered the Bill to revive and Continue an Act for the more effectual suppressing of felonies, and punishment of counterfeiter of the paper currency of this Province and Virginia, And the Bill for further continuing an Act Intitled an Act for the restraint of Vagrants, and for making provision for the poor and other purposes be read, read the said two Bills, passed, and ordered to be sent to the Council

Sent the above three Bills to the Council by Mr Paine and Mr Blount,

Then the House adjourned till 10 o'clock tomorrow morning

Wednesday November 12th 1766

The House met according to adjournment.

Resolved the following Message be sent to the Council, Viz^t.

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

We herewith send you the petition of William Shaw, and two certificates relative thereto; and also, the Resolve of this House thereon, and desire your honors concurrence thereto,

JOHN HARVEY Sp.

Sent the above Message with the papers therein mentioned, to the Council by Mr Kenan and Mr Respass,

Mr Kenan presented certificates from the Court of Duplin County, thereby recommending James Farrier, Fleet Cooper, and John Quinton, to be exempt from paying public taxes for the future—Granted,

Mr Smithwick presented a certificate from the County Court of Tyrrel thereby recommending David Parkman to be exempt from paying public taxes — Granted,

Mr Blount presented a certificate from the County Court of Craven, thereby recommending Matthew Roc to be exempt from paying public taxes and doing public duties during his infirmity — Granted.

Mr Blount presented a certificate from the County Court of Craven thereby recommending John Perry, of Craven County to be exempt from paying public taxes, and doing public duties — Granted,

Received from the Council the following Bills, Viz^t.

The Bill to empower the Justices of Beaufort County to build a Court House, prison and stocks in Bath Town &c^a Endorsed, November 10th 1766, In the upper House, read the first time and passed.

The Bill to amend an Act, Intituled an Act for establishing the Titles of the Freeholders in Edenton, for laying a Tax for finishing the Church begun in the said Town, and for the further improvement &c^a, Endorsed, November 12th 1766, In the upper House, read the first time and passed, and,

The Bill for the relief of such persons as have suffered or may suffer, by not having had their deeds and mesne conveyances proved and registered

And also, The Bill for appointing a public Treasurer in the room of John Starkey Esquire; deceased, Endorsed, November 12th 1766, In the upper House read the second time amended and passed,

On motion ordered, the Bill to empower the Justices of Beaufort County to Build a Court House, prison and stocks in Bath Town, be read the second time, Read the same a second time, amended passed, and ordered to be sent to the Council

Sent the same to the Council by Mr Harris and Mr Respass.

Mr Caswell according to order, brought in a Bill to establish a school House in the Town of New Bern, which he read in his place, and delivered in at the Table where the same was again read by the Clerk, passed and ordered to be sent to the Council

On motion ordered the Bill for the relief of such person or persons as have suffered or may suffer, by not having had their deeds &c^a proved and registered within the time &c^a, be read the third time Read the same a third time passed and ordered to be sent to the Council

Sent the above two Bills to the Council by Mr Smith and Mr Cray.

Rec^d from the Clerk of the Crown a Certificate of the election of Benjamin Wynns and Matthias Brickell, Representatives for Hertford,

Two of the Members of his Majesty's Honble Council came to the House and Mr Buckell appeared, took the oaths by Law for his qualification, subscribed the Test and took his seat in the House.

On motion ordered the Bill to encourage Benjamin Heron to build a bridge over the North East Branch of Cape Fear River &c^a be read the second time, Read the same a second time, passed and ordered to be sent to the Council

Sent the same to the Council by Mr Ashe and Mr Paine.

Mr Fanning from the Committee appointed to prepare and bring in a Bill for erecting part of Rowan County and part of Orange County into a separate County by the name of —— County and Parish of —— Reported, the Committee had prepared the same; which he moved may be read, the said Bill was accordingly read, passed, and ordered to be sent to the Council

Sent the same to the Council by Mr Ashe and Mr Paine.

Mr Dawson moved a Committee be appointed to prepare and bring in a Bill for regulating and ascertaining the several public officers fees, in this Province and Mr Dawson, Mr Ashe, Mr Barron, Mr Person, Mr Harnett, Mr Benton, Mr Jones, Mr Polk and Mr Vail, are accordingly appointed.

On motion ordered the Bill, for establishing the titles of the Freeholders in Edenton be read the second time, Read the same a second time, amended passed and ordered to be sent to the Council

Sent the same to the Council by Mr Hewes and Mr James Blount.

Mr Hewes moved for leave to present a Bill for building a Court House for the District of Edenton,

Ordered he have leave accordingly.

Mr Hewes presented the above mentioned Bill, which he read in his place, and delivered in at the Table, where the same was again read by the Clerk, passed, and ordered to be sent to the Council.

Sent the same to the Council by Mr Hewes and Mr James Blount.

Mr Knox moved for leave to present a Bill, for confirming the Town of Woodstock and establishing the survey of the same.

Ordered that he have leave accordingly.

Mr Knox presented the above mentioned Bill, which he read in his place and delivered in at the Table, where the same was again read by the Clerk, passed and ordered to be sent to the Council.

Sent the same to the Council by Mr Hewes and Mr James Blount.

Mr Charles Blount moved for leave to present a Bill for an additional Act, to an Act, Intituled an Act, for restraining of excessive usury; which he read in his place, and delivered in at the Table, where the same was again read by the Clerk; passed, and ordered to be sent to the Council

Sent the same to the Council by Mr Hewes and Mr James Blount.

Then the House adjourned till 3.^oClock in the afternoon.

P. M. The House met according to adjournment.

Mr Haywood moved for leave to present a Bill for enlarging the time for saving lots in the Town of Tarborough,

Ordered that he have leave accordingly

Mr Haywood presented the above mentioned Bill, which he read in his place and delivered in at the Table, where the same was again read by the Clerk, passed and ordered to be sent to the Council,

Sent the same to the Council by Mr Haywood and Mr Palmer,

Rec^d the following Bills from the Council, Viz^t.

The Bill for the relief of such persons as have suffered, or may suffer by not having had their deeds and mesne conveyances proved and registered &c^a, Endorsed, In the upper House, read the third time and passed, Ordered to be engrossed,

The Bill for establishing a school House in New Bern, Endorsed, November, 12th 1766, In the upper House, read the first time and passed,

The Bill to encourage Benjamin Heron Esq^r to build a bridge over the North East Branch of Cape Fear River &c^a, Endorsed, November, 12th 1766, In the upper House read the second time, amended and passed.

The Bill to continue an Act, Intituled an Act, to suppress excessive and deceitful gaming, Endorsed, November 14th 1766, In the upper House read the second time amended and passed,

The Bill for the further continuing an Act, Intituled an Act, for the restraint of Vagrants, and for making Provision for the poor &c^a Endorsed, November 11th 1766. In the upper House read the second time and passed, and,

The Bill to impower the Justices of Beaufort County to build a Court House, prison and stocks &c^a, Endorsed, November, 12th 1766, In the upper House read the second time and passed,

On motion Resolved, that Mr Benton be discharged off the Committee for regulating and ascertaining the several public officers fees in this Province; and that Mr Woodhouse, and Mr Knox be added to the said Committee.

Mr Fanning moved for leave to bring in a Bill, for erecting a convenient building within the Town of New Bern, for the residence of the Governor or Commander in Chief for the time being.

Ordered he have leave accordingly

Mr Fanning presented the above mentioned Bill, which he read in his place and delivered in at the Table, where the same was again read by the Clerk, passed, and ordered to be sent to the Council.

Sent the same to the Council by Mr Fanning and Mr Emsley.

Ordered that Mr Felix Kenan and Mr Hewes be added to the Committee of Claims, Priviledges and Elections

And that Mr Farquher Campbell be added to the Committee of Accounts

Then the House adjourned till 10 o'clock tomorrow morning.

Thursday 13th November 1766

The House met according to adjournment.

Two of the Members of His Majesty's Council came to the House and Mr Bartram one of the Members for Bladen County; and Mr Lemon one of the Members for Edgecombe County, appeared, took the Oaths by Law appointed for their qualification, subscribed the Test, and took their seat in the House,

Rec^d the following Bills from the Council, Viz^t

The Bill to amend an Act, Intituled an Act for establishing the Titles of Freeholders in Edenton, for laying a tax for finishing the Church begun in the said Town and for further improvement &c^a and,

The Bill for an Additional Act, to an Act, Intituled an Act for restraining of excessive usury, and

The Bill for erecting a convenient building within the Town of New Bern, for the residence of the Governor &c^a Endorsed November 13th 1766. In the upper House, read the first time and passed,

Mr Harnett from the Committee of Priviledges and Elections, reported that the said Committee had taken the Petition of William

Cummins, who is returned a representative for the Town of Nixon-ton, into consideration, and, Resolved that the said William Cummins, was illegally returned a Representative for the aforesaid Town,

Resolved the House, *Nem Con*, do concur to the said Report,

Mr Robert Howe presented the petition of the Pilots of Ocacock; praying Redress &c* Ordered the said petition lie on the Table for Consideration.

Mr Charlton moved for leave to present a Bill, appointing the method of distributing Intestates Estates,

Ordered, he have leave accordingly

Mr Charlton presented the above mentioned Bill, which he read in his place and delivered in at the Table, where the same was again read by the Clerk, passed, and ordered to be sent to the Council,

On motion ordered the Bill for further continuing an Act, Intitled, an Act for the restraint of Vagrants, and for making provisions for the poor, and other purposes, be read the third time, Read the same the third time, amended passed and ordered to be sent to the Council.

Mr Harris moved for leave to present a Bill, for a further allowance of commissioners, to Sheriffs and Collectors of Taxes and other purposes therein mentioned,

Ordered that he have leave accordingly

Mr Harris presented the above mentioned Bill, which he read in his place and delivered in at the Table where the same was again read by the Clerk, passed and ordered to be sent to the Council.

On motion ordered, the Bill for appointing a public Treasurer in the room of John Starkey Esquire, deceased, be read the third time, Read the same a third time, amended passed and ordered to be sent to the Council

Sent the above four Bills to the Council by Mr Bartram and Mr Fanning.

On motion ordered the Bill to empower the Justices of Beaufort County to build a court house, prison and stocks, in Bath Town be read the third time, Read the same a third time, passed, and ordered to be sent to the Council,

On motion ordered the Bill to continue an Act Intitled an Act, to prevent excessive and deceitful gaming, be read the third time, Read the same a third time passed and ordered to be sent to the Council

Mr Cogdell moved for leave to present a Bill, for joining the old Topsail Inlet to Neuse River, by cutting a navigable canal from the head of Harlows Creek to Clubfoot Creek,

Ordered he have leave accordingly.

Mr Cogdell presented the above mentioned Bill, which he read in his place and delivered in at the Table, where the same was again read by the Clerk, passed and ordered to be sent to the Council.

On motion ordered the Bill to confirm a lease made by the Tuscarora Indians to Robert Jones Jun^r, William Williams, and Thomas Pugh Esq^{rs} be read the second time. Read the same a second time; on which the question was put for passing the Bill, and carried in the affirmative.

Ordered the same be sent to the Council.

Sent the above four Bills to the Council by Mr Hewes and Mr Fanning.

Then the House adjourned till 10 o'clock tomorrow morning.

Friday 14th November 1766.

The House met according to adjournment

Mr Spier moved for leave to absent himself from the service of the House on account of his Family's indisposition.

Ordered he have leave accordingly.

Mr Fanning presented the petition of Needham Bryan together with Benjamin Hardy, showing they were duly elected representatives for Johnston County, but by some means the Writ of Election, with the return thereof, is lost or mislaid, Praying &c^a

The House on mature consideration of the said petition and certificates relative thereto,

Resolved that the said Needham Bryan and Benjamin Hardy are duly elected Representatives for the said County of Johnston.

Ordered that Mr Duncan Lemon be added to the Committee of Claims.

Mr Farquher Campbell presented the following certificates from the County Court of Cumberland therein recommending Benjamin Bevorett and Focker, of said County, to be exempted from paying public taxes and doing public duties — Granted.

Mr Fanning presented a certificate from the County Court of Orange therein recommending Jonathan Sell and John Alexander, both of said County, to be exempt from paying taxes and doing public duties — Granted.

Mr Lemon presented a certificate from the County Court of Edgcomb, thereby recommending John Baker to be exempt from paying public taxes and doing public duties — Granted.

Ordered Mr Brickell be added to the Committee on Propositions and Grievances.

On motion ordered, The Bill for establishing a school house in the Town of New Bern, be read a second time. Read the same a second time, amended, passed and ordered to be sent to the Council.

Rec^d from the Council the following Bills, Viz^t

The Bill for confirming a lease made by the Tuscarora Indians, to Robert Jones, Jun, William Williams and Thomas Pugh Esq^r, Endorsed November 14th 1766. In the upper House read the second time and passed.

The Bill for erecting a Court House and prison for the District of Edenton, Endorsed, November 14th 1766, In the upper House read the first time and passed,

Rec^d from the Council the following Bills, Viz^t.

The Bill for the further allowance of commissions to Sheriffs and Collectors of Taxes, and other purposes therein mentioned,

The Bill for joining the navigation of old Topsail Inlet to Neuse River by cutting a navigable canal from the head of Harlows Creek to Clubfoot Creek — Endorsed, November 14th 1766, In the upper House read the first time and passed,

The Bill to empower the Justices of Beaufort County to build a Court House, prison and stocks in Bath Town for the use of the said County.

The Bill for the further continuing an Act, Intitled an Act, for the restraint of Vagrants and for making provision for the poor &c^a

The Bill to continue an Act Intitled an Act, to suppress excessive and deceitful gaming, Endorsed November 14th 1766, In the upper House read the third time and passed

Ordered to be engrossed,

Mr Speaker presented a petition from sundry inhabitants of Bertie County, Praying a certain parcel of Land, containing one hundred acres at Gray's landing in the said County, may be erected into a Town &c^a.

Mr Ashe presented a petition from several of the inhabitants of the County of Bertie, Praying a Town may be erected on Cashy, in Bertie County whereon the court house, prison &c^a

On motion, Resolved the said petition lie for consideration, and that Mr Cullen Pollock, Mr Edward Vail, Mr James Blount, Mr Matthias Brickell, Mr Jacob Blount, Mr Benjamin Wynns, and Mr Jasper Charlton be appointed a Committee to view the places in the petition mentioned; and that they or the majority of them report to this House the next Session of the Assembly, which place of the two mentioned in the said petitions is most convenient and best to erect a Town at.

Mr Caswell from the Committee appointed to prepare the amendments which may be necessary to the Bill for facilitating the navigation &c^a reported the Committee had agreed to several amendments necessary to the said Bill which he was ready to present, if the House will please to receive them.

Resolved, the House receive the said amendments; and that they be read, the same were read, and agreed to by the House.

Ordered the said amendments be inserted in the said Bill,

On motion ordered the Bill for erecting a convenient building within the Town of New Bern, for the residence of the Governor &c^a be read the second time, read the same a second time, amended, passed and ordered to be sent to the Council.

Sent the same to the Council by Mr Fanning and Mr Respass

On motion ordered the Bill for establishing the titles of Freeholders in Edenton &c^a be read the third time, Read the same a third time, amended, passed and ordered to be sent to the Council,

On motion ordered the Bill for facilitating the navigation of Port Bath, Port Roanoke, and Port Beaufort, be read the second time, Read the same a second time, amended passed and ordered to be sent to the Council.

Sent the above two Bills to the Council by Mr Charlton and Mr Jas Blount

On motion ordered Mr Caswell and Mr Respass have leave to absent themselves from the service of the House 'till Tuesday next.

On motion ordered, the Bill, for an additional Act, to an Act, Intituled an Act for the restraining of excessive usury be read the second time, Read the same a second time. The question put if the said Bill pass: and passed in the negative.

Resolved the said Bill be rejected.

On motion ordered the Bill, for joining the navigation of old Topsail Inlet to Neuse River by cutting a navigable Canal from the head of Harlows Creek to Clubfoot Creek, be read the second time,

Read the same a second time, amended passed, and ordered to be sent to the Council

Sent the same to the Council by Mr Cole and Mr Cogdell,

Mr Kenan moved for leave to bring in a Bill for ascertaining the dividing line between New Hanover and Duplin Counties.

Ordered he have leave accordingly

Then the House adjourned till 10 o'clock tomorrow morning

Saturday November 15th 1766

The House met according to adjournment

Mr Payne moved for leave to absent himself from the service of the House tomorrow, And Mr Shepard, Mr Jacob Blount, and Mr Jones moved for leave to absent themselves from the service of the House 'till Monday evening next

Ordered they have leave accordingly

On motion ordered, the Bill for a further allowance of Commissions to Sheriffs and Collectors of Taxes, and other purposes therein mentioned, be read the second time, Read the same a second time, amended, passed and ordered to be sent to the Council

Mr Bartram presented the petition of Christopher Dudley keeper of the Public Goal for the District of Halifax, Praying a further allowance for accommodating prisoners &c which was read,

Ordered the same lie on the Table for consideration.

Mr Frohock moved for leave to present a Bill to prevent the inhabitants of South Carolina driving their stocks of cattle from thence to range and feed in this Province and other purposes; which he read in his place, and delivered in at the Table, where the same was again read by the Clerk, passed, and ordered to be sent to the Council.

On motion ordered, the Bill to confirm a lease made by the Tuscarora Indians to Robert Jones junior, William Williams, and Thomas Pugh Esquires, be read the third time, Read the same a third time-passed, and ordered to be sent to the Council.

Mr Bryan presented a certificate from the Court of Johnston County therein recommending William Thompson and Elias Crawford of said County, to be exempt from paying public taxes and doing public services; and Alexander Parker, of said County from public duties. Granted.

Mr Benton presented a certificate from the County Court of Granville; thereby recommending Richard Briggs and John Cooper to be exempt from paying public taxes. Granted.

On motion ordered, the Bill, for erecting a Court House and prison for the District of Edenton, be read the second time. Read the same a second time, amended passed and ordered to be sent to the Council.

Mr Smithwick moved for leave to absent himself from the service of the House.

Ordered he have leave accordingly.

Mr Maurice Moore having made appear the necessity of taking care of the guns and ammunition belonging to Fort Johnston,

Resolved, that ten men be allowed and employed, to garrison the said Fort &c, including a Captain; and that the said Captain be allowed the sum of six shillings and eight pence p. diem, for subsistence, for one year, and from thence to the end of the next session of Assembly.

Mr Kenan moved for leave to present a Bill to prevent hunting for, and killing deer in the manner herein mentioned.

Ordered that he have leave accordingly.

Mr Kenan presented the above mentioned Bill, which he read in his place, and delivered in at the Table, where the same was again read by the Clerk, passed and ordered to be sent to the Council.

Mr Johnston moved for leave to present a Bill, for appointing a printer to this Province.

Ordered that he have leave accordingly.

Mr Johnston presented the above mentioned Bill, which he read at his place and delivered in at the Table where the same was again read by the Clerk, passed and ordered to be sent to the Council.

His Excellency the Governor sent a written Message to the House as follows, to wit,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY

Mr Churton, of Edenton has signified to me, that he has, with great labour and at a very considerable expence nearly completed a map of the inhabited part of this Province; and intends if properly encouraged, to transmit it to Britain in order to have it published and printed: As such an undertaking if well executed must be of great convenience and utility to the inhabitants of this Province, I hope the House of Assembly will take it into consideration

and give Mr Churton all the assistance and encouragement, which his own assiduity, and a work of this extensive nature, deserve from the public.

W^m TRYON.

Resolved the same lie on the Table for consideration.

Mr Ashe moved a Committee be appointed to prepare and bring in a Bill for appointing a Militia, and Mr Ashe, Mr Fanning, Mr Howe, Mr Harris and Mr Vail are accordingly appointed.

Then the House adjourned till 10 o'clock tomorrow morning.

Monday November 17th 1766,

The House met according to adjournment

Rec^d the following Bills from the Council,

The Bill for confirming the Town of Woodstock, and establishing a survey of the same,

The Bill to prevent the inhabitants of South Carolina driving their stocks of cattle from thence to range and feed in this Province and other purposes Endorsed, November 13th 1766, In the upper House read the first time and passed.

On motion ordered the Bill for confirming the Town of Woodstock, and establishing the survey of the same be read a second time, read the same a second time, amended passed and ordered to be sent to the Council

On motion ordered the Bill for appointing the method of distributing Intestates Estates be read the second time, read the same a second time, amended passed, and ordered to be sent to the Council.

Sent the above two Bills to the Council by Mr Charlton and Mr Payne.

Rec^d from the Council the Bill for confirming a lease made by the Tuscarora Indians to Robert Jones, Jun^r William Williams and Thomas Pugh Esquires, Endorsed, November 17th 1766. In the upper House, read the third time and passed,

Ordered to be engrossed, and—

The Bill for erecting a convenient Building within the Town of New Bern for the residence of the Governor &c^a Endorsed, November 17th 1766. In the upper House read the second time and passed

Mr Payne moved for leave to present a Bill to confirm the vestry of St James Parish, in New Hanover County, and to enable them to lay a tax on all the taxable persons within the same.

Ordered he have leave accordingly

Mr Payne presented the above mentioned Bill, which he read in his place, and delivered in at the Table, where the same was again read by the Clerk, passed and ordered to be sent to the Council

Mr Jones moved for leave to present a Bill to revive and continue an Act, Intituled an Act to establish a ferry from Solly's Point to Relfs Point whereon the Court House now stands on Pasquotank River.

Ordered he have leave accordingly

Mr Jones presented the above mentioned Bill, which he read in his place, and delivered in at the Table, where the same was again read by the Clerk, passed and ordered to be sent to the Council

Sent the above four Bills to the Council by Mr Charlton and Mr Payne

Mr Elmsley moved for leave to present a Bill, for altering certain Landings and places of inspection in the Counties of Craven and Dobbs; and substituting and appointing others in lieu thereof

Ordered he have leave accordingly

Mr Elmsley presented the above mentioned Bill, which he read in his place, and delivered in at the Table, where the same was again read by the Clerk, passed and ordered to be sent to the Council.

Sent the same to the Council by Mr Fanning and Mr Hèwes.

Rec^d from His Excellency the Governor the following written message with the papers therein mentioned,

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I send you under the great Seal of the Province of Quebec, accompanied with General Murrys Letters, the total of the losses, and the names of the persons who are sufferers by the fire at Montreal in May 1765.

As the usual method practiced in other Countries of collecting contributions for the relief of public distresses and calamities, cannot be observed in this Province for the want of Clergymen, who are the proper persons to collect, by brief, the donations from their Parishioners; I am obliged to apply to you for the relief of those many unhappy and distressed families; now reduced to a state of Poverty. Public distresses call for public assistance; and as nothing gives more credit to a Country than a seasonable generosity on those melancholy occasions I must warmly recommend these unhappy sufferers to your liberality

W^m TRYON,

Ordered the said Message lie for consideration 'till tomorrow, and that the following Message be sent to His Excellency the Governor, to wit,

TO HIS EXCELLENCY WILLIAM TRYON ESQUIRE CAPTAIN GENERAL
GOVERNOR &c^a

SIR.

This House have received your Excellencys Message relative to the losses sustained by the persons who have suffered by the late fire at Montreal together with the several papers therein referred to, and assure your Excellency we will take the same into our consideration as soon as possible

JOHN HARVEY Sp.

Sent by Mr Charlton and Mr Person.

Rec^a from the Council the following Bills, Viz^t

The Bill for erecting a Court House and prison for the District of Edenton, Endorsed, November 17th 1766. In the upper House read the second time amended and passed.

The Bill to amend an Act, Intituled an Act for establishing the titles of the Freeholders in Edenton for laying a tax for finishing the Church begun in the said Town and for the further improvement and better regulation thereof, Endorsed November 17th 1766, In the upper House read the third time and passed. Ordered to be engrossed.

Mr Howe moved for leave to present a Bill appointing a Vendue Master for the Town of Wilmington, in this Province.

Ordered he have leave accordingly

Mr Howe presented the above mentioned Bill, which he read in his place and delivered in at the Table; where the same was again read by the Clerk passed and ordered to be sent to the Council

Sent by Mr Moore and Mr Cole

Rec^a from the Council the following Bills, Viz^t

The Bill appointing the method of distributing Intestates Estates.

The Bill for joining the navigation of Old Topsail Inlet to Neuse River by cutting a navigable canal from the head of Harlows Creek to Clubfoot Creek, Endorsed, November 17th 1766, In the upper House read the second time and passed.

The Bill to prevent hunting for, and killing deer in the manner therein mentioned — and,

The Bill to confirm the Vestry of St James Parrish in New Hanover County, and to enable them to lay the tax &c^e. Endorsed, November 17th 1766. In the upper House read the first time and passed.

Mr Fanning moved for leave to present a Bill to amend and continue an Act, Intitled, an Act for appointing a Militia.

Ordered he have leave accordingly.

Mr Fanning presented the above mentioned Bill which he read in his place and delivered in at the Table, where the same was again read by the Clerk passed and ordered to be sent to the Council.

Mr Fanning moved for leave to present a Bill, concerning the taking up of stray horses.

Ordered he have leave accordingly.

Mr Fanning presented the above mentioned Bill which he read in his place, and delivered in at the Table; where the same was again read by the Clerk, passed, and ordered to be sent to the Council.

Mr Bartram moved for leave to present a Bill, for destroying Crows and Squirrels in the several Counties therein mentioned.

Ordered he have leave accordingly.

Mr Bartram presented the above mentioned Bill, which he read in his place and delivered in at the Table; where the same was again read by the Clerk, passed and ordered to be sent to the Council.

On motion ordered, the Bill for erecting a convenient building within the Town of New Bern, for the residence of the Governor or Commiander in Chief for the time being, be read a third time. Read the same a third time, amended passed and ordered to be sent to the Council.

Rec^d from the Council the Resolve of this House sent them the 11th Instant relative to an annual allowance to be paid William Shaw, who was disabled in the service of this Province against the French and Indians on the Ohio Endorsed, November 12th 1766, In the upper House, Concurred with

LEWIS DEROSSET, P. C.

Resolved, the afore mentioned Resolve be sent to His Excellency the Governor for his concurrence.

Sent by Mr Vail and Mr Jones.

The House took into consideration the Message from His Excellency the Governor of the 15th Instant, and

Resolved, That William Churton be allowed the sum of one hundred and fifty five pounds proclamation money, and paid by the public Treasurers of this Province, out of the fund for contingencies, to enable him to get printed and published a map of the inhabited part of this Province, and that this Resolve be sent to the Council for concurrence.

Sent by Mr Person and Mr Charlton.

Rec^d from his Excellency the Governor, the Resolve of this House sent him this day, relative to the allowance of an annuity to William Shaw, Endorsed, November 17th 1766, The preceeding Resolve — Concurred with.

W^m TRYON.

Mr Elmsley moved for leave to present a Bill for allowing time for the payment of the duties on Wine and other spiritous Liquors.

Ordered he have leave accordingly.

Mr Elmsley presented the above mentioned Bill, which he read in his place and delivered in at the Table where the same was again read by the Clerk passed and ordered to be sent to the Council.

Mr Person according to order presented a Bill to empower the Church Wardens and Vestrymen of St. Johns Parish, in Bute County to appropriate the surplussage money levied for erecting the public buildings in said County to the use of the said Parish of St. John's which he read in his place and delivered in at the Table, where the same was again read by the Clerk, passed, and ordered to be sent to the Council.

Mr Fanning moved for leave to bring in the following Bills, Viz^t

A Bill to lay a Tax on Pedlars and other Itinerant Traders coming into this Province.

A Bill, to amend an Act, Intitled an Act concerning Marriages, and,

A Bill, to amend an Act, Intitled an Act, for establishing a Town on the Land formerly granted to William Churton, Gentleman, lying on the North side of the Enoe River in the County of Orange,

Ordered he have leave accordingly

Mr Cogdell moved for leave to bring in a Bill to amend the several Acts for regulating the Town of New Bern and other purposes.

Ordered he have leave accordingly

Resolved the following Message be sent to the Council, Viz^t

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

We herewith send you a Resolve of this House, relative to the garrisoning of Fort Johnston; and also a Resolve relative to an allowance to Mr Churton to which Resolves we desire your Honors Concurrence,

JOHN HARVEY Sp.

Sent by Mr Hewes and Mr Paine.

Mr Frohock moved for leave to present a Bill for the relief of poor Debtors as to the Imprisonment of their persons, and other purposes.

Ordered he have leave accordingly

Mr Frohock presented the above mentioned Bill which he read in his place, and delivered in at the Table, where the same was again read by the Clerk, passed and ordered to sent to the Council.

Mr Phifer moved for leave to bring in a Bill, to enable the Commissioners of the Town of Charlotte, in the County of Mecklenburg, to lay off the said Town in Streets, Squares and Lots, and to build a Court House Prison and Stocks, in the said Town, for the use of the said County

Ordered he have leave accordingly.

Mr Kenan moved for leave to bring in a Bill for ascertaining the boundary line between the Counties of New Hanover and Duplin.

Ordered he have leave accordingly

Mr Kenan presented the above mentioned Bill which he read in his place and delivered in at the Table, where the same was again read by the Clerk, passed and ordered to be sent to the Council,

Sent by Mr Kenan and Mr Bryan,

Mr Benton moved for leave to present a Bill, to prevent the unreasonable destruction of Fish in Neuse River, Tar River, Fishing Creek, Rocky River and the South fork of the Catawba River.

Ordered he have leave accordingly.

Mr Benton presented the above mentioned Bill, which he read in his place and delivered in at the Table where the same was again read by the Clerk, passed and ordered to be sent to the Council,

Mr Frohock moved for leave to present a Bill for reviving the several Acts of Assembly relative to the Inspection of Tobacco.

Ordered he have leave accordingly.

Mr Frohock presented the above mentioned Bill which he read in his place and delivered in at the Table, where the same was again read by the Clerk, passed and ordered to be sent to the Council,

Mr Plifer moved for leave to bring in a Bill, to enable the Inhabitants of this Province to lay a Tax to pay their Taxes with linen, cloth hemp and flax.

Ordered he have leave accordingly

Mr Benton for leave to bring in a Bill, to amend an Act, Intituled an Act, for rendering more effectual the Laws making Lands and other Estates, liable to the payment of debts

Ordered that he have leave accordingly

Mr Person moved for leave to bring in a Bill for altering the time of holding the Inferior Court of pleas and quarter Sessions, in the Counties of Bute and Onslow,

Ordered he have leave accordingly.

Mr Person presented the above mentioned Bill, which he read in his place and delivered in at the Table where the same was again read by the Clerk, passed, and ordered to be sent to the Council.

Mr Knox moved for leave to present a Bill to amend an Act passed in the year of our Lord 1765. Intituled an Act to prevent the exportation of unmerchable commodities

Ordered he have leave accordingly

Mr Knox presented the above mentioned Bill, which he read in his place and delivered in at the Table, where the same was again read by the Clerk, passed and ordered to be sent to the Council

Sent the above seven Bills to the Council by Mr Frohock and Mr Harris.

Then the House adjourned till 10 o'clock tomorrow morning.

Tuesday, November 18th 1766

The House met according to adjournment,

On motion ordered the Bill to prevent hunting for, and killing deer in the manner therein mentioned, be read the second time, read the same the second time, passed and ordered to be sent to the Council.

Sent the same to the Council by Mr Kenan and Mr Polk.

Rec^d from the Council the following Bills

The Bill to amend and continue an Act Intituled an Act, for appointing a Militia

The Bill, appointing a Vendue Master for the Town of Wilmington in this Province.

The Bill for ascertaining the boundary line between the Counties of New Hanover and Duplin, Endorsed, November 17th 1766, In the upper House read the first time and passed,

The Bill for establishing a school house in the Town of New Bern, Endorsed, November 11th 1766, In the upper House read the second time amended and passed.

On motion ordered the Bill, for erecting a Court House and prison for the use of the District of Edenton, be read the third time, Read the same a third time amended, passed, and ordered to be sent to the Council.

Sent the same to the Council by Mr Kenan and Mr Polk.

Mr Phifer according to order presented a Bill for establishing a Town on the Lands of George Augustus Selwyn in Mecklenburg County which he read in his place and delivered in at the Table where the same was again read by the Clerk, passed and ordered to be sent to the Council

Sent the same to the Council by Mr Kenan and Mr Polk.

On Motion ordered the Bill to encourage Benjamin Heron Esquire to build a bridge over the North East Branch of Cape Fear River &c^e be read the third time, Read the same a third time, amended passed and ordered to be sent to the Council

Sent the same to the Council by Mr Howe and Mr Harnett.

The House took under consideration his Excellency's Message of Yesterday, relative to the sufferers by the late Fire at Montreal &c^e and,

Resolved, the same be for further Consideration

Mr Ashe laid before the House several Letters from the Speakers of the Assembly's of ——— Ordered the same lie on the Table for the perusal of the House.

Mr Benton according to order presented a Bill to amend an Act, Intituled an Act, for rendering more effectual the Laws making Lands, and other real Estates liable to the payment of debts, which he read in his place and delivered in at the Table where the same was again read by the Clerk, passed, and ordered to be sent to the Council,

Sent by Mr Haywood and Mr Lemon.

On motion ordered the Bill, appointing the method of distributing Intestates Estates, be read the third time, Read the same a third time, passed and ordered to be sent to the Council.

Sent the same to the Council by Mr Haywood and Mr Lemon.

On motion ordered the Bill for establishing a school house, in the Town of New Bern, read the same a third time, amended, passed, and ordered to be sent to the Council.

Sent the same to the Council by Mr Cogdell and Mr Cray,

On motion ordered the Bill for joining the navigation of old Topsail Inlet, to Neuse River, by Cutting a navigable Canal from the head of Harlows Creek to Clubfoot Creek, be read a third time, Read the same a third time, amended, passed and ordered to be sent to the Council

Sent the same to the Council by Mr Cogdell and Mr Cray.

Mr Hewes and Mr James Blount moved for leave to absent themselves from the service of the House after tomorrow —

Ordered they have leave accordingly

On motion ordered the Bill appointing a Vendue Master for the Town of Wilmington in this Province, be read a second time, Read the same a second time passed and ordered to be sent to the Council

Sent the same to the Council by Mr Harnett and Mr Moore.

Mr Vail moved for leave to absent himself from the service of the House tomorrow.

Ordered he have leave accordingly

On motion ordered the Bill, to prevent the inhabitants of South Carolina driving their stocks of cattle from thence to range and feed in this Province and other purposes, be read the second time, Read the same a second time, passed and ordered to be sent to the Council.

Sent the same to the Council by Mr Spier and Mr Rutherford.

Mr Spencer presented the following certificates from the County Court of Anson Conuty thereby recommending William Dawkins, Joseph Rye, and William Dinkings, of said County be exempt from paying taxes — Granted.

Then the House adjourned till 10 o'clock tomorrow morning.

Wednesday November 19th 1766.

The House met according to adjournment

Two of the Members of his Majesty's Honble Council came to the

House and Mr Thomas Howe one of the Members of Craven County appeared, took the Oaths by Law appointed for his qualification subscribed the Test, and took his seat in the House.

On motion ordered the Bill to amend and continue an Act, Intituled an Act, for appointing a Militia, be read a second time, read the same a second time, amended passed, and ordered to be sent to the Council,

Sent the same to the Council by Mr ----- and Mr -----

Rec^d from the Council the following Bill, Viz^t.

The Bill to amend an Act, Intituled an Act, for rendering more effectual the Laws making land and other real estates, liable to the payment of debts,

The Bill to amend an Act, passed in the year of our Lord 1764, Intituled an Act, to prevent the exportation of unmerchantable commodities

The Bill, for reviving the several Acts of Assembly relating to the inspection of Tobacco.

The Bill to prevent the unreasonable destruction of Fish in Neuse River, Tar River, Fishing Creek, Rocky River, and the South fork of the Catawba River.

The Bill for allowing time for the payment of the duties on Wine, and other spirituous Liquors — and —

The Bill for the relief of poor debtors as to the imprisonment of their persons and other purposes; Endorsed, November 18th 1766 In the upper House, read the first time and passed,

The Bill appointing the method of distributing Intestates Estates, Endorsed, November 19th 1766, read the third time and passed,

Ordered to be engrossed.

The Bill for destroying Crows and Squirrels within the Counties therein mentioned, Endorsed, November 19th 1766, In the upper House read the first time amended and passed.

The Bill for regulating the duty of a vendue Master to be appointed for the Town of Wilmington, Endorsed November 19th 1766, In the upper House, read the second time amended and passed — and —

The Bill for facilitating the navigation of Port Bath, Port Roanoke, and Port Beaufort, Endorsed, November 19th 1766, In the upper House read the second time amended and passed,

Rec^d from the Council the following Bills, Viz^t.

The Bill to prevent the Inhabitants of South Carolina driving their stocks of Cattle from thence to range and feed in this Province, and other purposes,

The Bill to prevent hunting for, and killing Deer in the manner therein mentioned — Endorsed November 19th 1766, In the upper House read the second time and passed, and,

The Bill for erecting a Court House and Prison for the District of Edenton, Endorsed, November 19th 1766, In the upper House read the third time and passed,

Ordered to be engrossed.

Mr Dawson presented two certificates from the County Court of Northampton therein recommending John Wade and Richard Pritchett, to be exempt from paying public taxes — Granted.

Rec^d from the Council the following Message Viz^t

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

On reading the third time, "The Bill to encourage Benjamin Heron Esquire to build a bridge over the North East River of "Cape Fear," We observe, that in the eleventh line of the first Section, you have inserted the words, twenty five years next after the passage of this Act: And at the conclusion of that Section, you have added another clause in the following Words — And be it further enacted by the authority aforesaid, (That from and after the expiration of the said term of twenty five years, it shall and may be lawful for the Justices of the said Inferior Court of New Hanover County from time to time, and at all times thereafter, to establish and rate the toll, to be taken for the said bridge") to which alterations this House cannot agree. and therefore hope you will pass so useful a Bill without; and that you will please to send some of your Members to see the same expunged.

On reading of which and duly considering the same,

Resolved, this House concur to the said amendments proposed by the Council in the said Message,

Resolved that the following Message be sent to the Council, Viz^t

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

On reading your Message of this day relative to the Bill, to encourage Benjamin Heron, Esquire, to build a bridge over the North East Branch of Cape Fear, We observe you propose expunging the words twenty five years next after the passing of this Act, and also the clause empowering "The Justices of the Inferior Court of New Hanover County, from time to time thereafter to establish

and rate the toll, to be taken for the said bridge," to which alterations this House agree, and have sent Mr Robert Howe and Mr James Moore, two of the Members of this House, to see the same made.

JOHN HARVEY Sp.

On motion ordered the Bill for allowing time for the payment of the duties on Wine and other Spiritous Liquors, be read the second time. Read the same a second time passed, and ordered to be sent to the Council

Sent the same to the Council by Mr Brickell and Mr Cole.

Two of the Members of His Majestys Honble Council, came to the House, and Mr Joseph Williams one of the Members for Duplin County appeared, took the oaths by Law appointed for his qualification, subscribed the test and took his seat in the House.

Mr Fanning pursuant to order presented a Bill to amend an Act, Intituled an Act, for establishing a Town on the Land formerly granted to W^m Churton Gentleman lying on the North side of the Enoe River, in the County of Orange, which he read in his place and delivered in at the Table, where the same was again read by the Clerk, passed, and ordered to be sent to the Council.

Sent the same to the Council by Mr Brickell and Mr Cole.

On motion ordered, the Bill for the relief of poor debtors, as to the imprisonment of their persons, be read the second time. Read the same a second time, and the Motion made, that the said Bill pass; on which, the question was put, and carried in the negative.

Then the House adjourned till 10 o'clock tomorrow morning

Thursday 20th November 1766

The House met according to adjournment

Mr Fanning pursuant to order, brought in a Bill, to lay a tax on Pedlars and other Itinerant Traders coming into this Province, which he read in his place and delivered in at the Table where the same was again read by the Clerk, passed and ordered to be sent to the Council

Sent the same to the Council by Mr Howe and Mr Ashe,

On motion ordered the Bill, to confirm the Vestry of St James Parish in New Hanover County to enable them to lay a tax on all taxable persons within the same be read the second time, On which the Motion was put, and the question put, if the said Bill pass, and carried in the negative,

Rec^d from the Council the following Bills, Viz^t

The Bill for joining the navigation of old Topsail Inlet to Neuse River by cutting a navigable Canal from the head of Harlows Creek to Clubfoot Creek, Endorsed, November 20th 1766 In the upper House read the third time and passed. Ordered to be engrossed.

The Bill for erecting part of Rowan County and part of Orange County into a separate County by the name of ----- County and Parish of ----- and other purposes, and,

The Bill for appointing a Printer to this Province, Endorsed, November 20th 1766, In the upper House, read the first time, and passed, and also,

The two Resolves of this House sent to the Council the 17th Instant, the one regarding an allowance to William Churton, Gentleman, the other relative to the Garrisoning of Fort Johnston, Endorsed, November 17th 1766, In the upper House, Concurred with.

JOHN RUTHERFORD P.

Also the above two mentioned Resolves be sent to His Excellency for his Concurrence,

Sent the above mentioned two Resolves to His Excellency the Governor for His Concurrence by Mr ----- and Mr -----

Also the following Message Viz^t

TO HIS EXCELLENCY WILLIAM TRYON, ESQUIRE, CAPTAIN, GENERAL GOVERNOR, &c^a

SIR,

This House herewith send Your Excellency two Resolves thereof, the one regarding an allowance of one hundred and fifty pounds proclamation money to William Churton Gentleman, the other relative to the garrisoning Fort Johnston; to which his Majesty's Honble Council have concurred, this House therefore desire your Excellency's will please to give your assent thereto.

Sent the same to His Excellency by Mr Frohock and Mr Charles Blount,

On motion ordered Mr Phifer who was ordered to bring in a Bill to enable the inhabitants of this Province to pay their Taxes with linen, cloth, hemp and flax — Resolved he be discharged from said order,

Mr Dawson from the Committee appointed to prepare and bring in a Bill for regulating the fees of the several officers &c^a reported, that they have not time to prepare and bring in the said Bill; and desire to be discharged from said order, Resolved the said Committee be discharged accordingly.

Mr Joseph Jones, presented a certificate from the Inhabitants of Pasquotank County setting forth the many great hardships the said inhabitants, as well as several other inhabitants of this Province endure, for want of Paper, and other currency — Praying relief &c^a, the same was read, and

Resolved, the House Resolve into a Committee of the whole House, tomorrow to consider the subject matter of the said Petition.

Mr Fanning according to order, brought in a Bill to amend an Act, Intituled an Act, concerning Marriages; which he read in his place and delivered in at the Table; where the same was again read by the Clerk, passed and ordered to be sent to the Council.

Sent the same to the Council by Mr Thomas Howe and Mr Bradford,

On motion ordered the Bill for appointing a Printer to this Province, be read the second time, Read the same a second time amended, passed and ordered to be sent to the Council

Sent the same to the Council by Mr Jacob Blount and Mr Tho^s Howe.

Rec^d from his Excellency the Governor a written message with papers therein referred to, as follows Viz^t

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY.

As the Commissioners appointed by an Act of Assembly 1764, for settling of six Acres of Land for the use of Fort Johnston, have never carried the same into Execution, and as such a tract is considerable and insufficient for the necessities of the Fort, I send you a plan accurately surveyed, of^e such a Tract, as I estimate really necessary to be obtained, and reserved to his Majesty for the use of Fort Johnston

The abstract, from my instructions, which accompanies this, will show the complaints and inconveniencies that have arisen in several of his Majesty's Forts on the Continent, for want of a proper quantity of Land, sufficient to furnish fuel, I therefore recommend to you Gentlemen, to pass a Law to purchase and reserve, for the use

aforesaid, the land containing about five hundred and thirty acres as laid down in the said plan,

W^m TRYON.

Then the House adjourned till 10 o'clock tomorrow morning

Thursday November 20th 1766

The House met according to adjournment

On motion ordered, the Bill for facilitating the navigation of Port Bath, Port Roanoke, and Port Beaufort be read the third time, read the same a third time, amended passed and ordered to be sent to the Council

Sent the same to the Council by Mr Jacob Blount and Mr Tho^s Howe.

On reading his Excellency's Message of this day, Resolved, This House will take the same in consideration tomorrow.

On motion ordered the Bill to prevent the unreasonable destruction of Fish in Neuse River &c^a be read the second time, read the same a second time, amended passed and ordered to be sent to the Council

Sent the same by Mr Harris & Mr Rutherford

On motion ordered the Bill to prevent hunting for and killing Deer in the manner therein mentioned, be read the second time, read the same a second time passed and ordered to be sent to the Council.

Sent the same by Mr Harris and Mr Rutherford

On motion ordered the Bill for destroying Crows and Squirrels &c^a be read the second time, read the same a second time, on which the motion was made that the said Bill pass, and the question put which was carried in the negative.

Resolved the following Message be sent to the Council, Viz^t.

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL.

This House have taken into consideration your Message, relative to the appointment of a public Treasurer, and cannot agree to your proposal of inserting the Honorable Lewis DeRosset Esquire in the room of John Ashe Esquire; neither can we recede from the opinion, that the right of nominating a Treasurer is in this House; yet shall be far from deeming your agreement to the appointment of Mr Ashe, as the relinquishing any right, which, in your opinion, you have a

joint nomination; and should be glad you will pass the Bill as sent you by this House: It will ever give us concern, should any circumstances arise to interrupt the harmony that ought to subsist between the two houses; which it is as much our intention, at it is our wish to cultivate and promote

JOHN HARVEY Sp.

Then the House adjourned till 10 o'clock tomorrow morning.

Friday November 21st 1766

The House met according to adjournment.

On motion ordered the Bill, for ascertaining the boundary line between the Counties of New Hanover and Bladen, be read the second time, read the same a second time, amended passed and ordered to be sent to the Council.

Sent the same to the Council by Mr Kenan and Mr Frohock,

Rec^d from the Council the Bill to encourage Benjamin Heron Esquire, to build a bridge over the North East branch of Cape Fear, at or near the place where the Ferry is now kept by Edward Davis, Endorsed, November 20th 1766. In the upper House read the third time and passed with amendments,

Ordered to be engrossed.

The Bill to amend and continue an Act, Intituled an Act for appointing a Militia Endorsed November 20th 1766. In the upper House read the second time and passed,

The Bill to lay a tax on Pedlars and other Itinerant Traders coming into this Province,

The Bill to amend an Act, Intituled an Act, for regulating the pilotage of Cape Fear River, &c^a and other purposes. Endorsed November 20th 1766, In the upper House, read the first time and passed.

The Bill to amend an Act, Intituled an Act, for establishing a Town on the Land formerly granted to William Churton, Gentleman, lying on the North side of the Enoe River, in Orange County, and,

The Bill to amend an Act, Intituled an Act, concerning Marriages, Endorsed, November 21st 1766, In the upper House read the first time and passed, and,

Also the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading for the third time the Bill for facilitating the navigation of Port Bath, Port Roanoke, and Port Beaufort, We observe you have *deled* our amendment in the fourth page, relative to the propositions of the Port of Bath and Beaufort which we apprehend arises from an opinion that the expression was not sufficiently explicit; we would therefore propose, that instead of the words, (in proportion to the sums received in their respective Ports) *deled* by you, the words (in proportion to the sums received in the Ports of Bath and Beaufort) be inserted. This amendment being consonant with the principles of distributive Justice, we hope, you will agree thereto, and send two of your Members to see the same made.

On motion ordered the Bill to prevent the Inhabitants of South Carolina driving their stocks of cattle from thence to range and feed in this Province, and other Purposes, be read the third time. Read the same a third time passed and ordered to be sent to the Council

Sent the same by Mr Kenan and Mr Frohock.

Rec^d from His Excellency the Governor the two Resolves of this House of the 17th Instant, the one regarding the allowance to William Churton of one hundred and fifty five pounds proc. money, the other relative to the garrisoning of Fort Johnston; which were concurred with by the Council, Endorsed November 21st 1766. Con-
 W^m TRYON.

Resolved the following Message be sent to the Council, Viz^t.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

On reading your Message of this day relative to the Bill for facilitating the navigation of Port Bath, Port Roanoke and Port Beaufort, We agree to insert the following words in the Bill, to wit, (In proportion to the sums received in the said Ports of Bath and Beaufort) and send Col^o Barron and Mr Respass to see the same inserted.

JOHN HARVEY Sp.

Rec^d from the Council the Bill to prevent hunting for and killing Deer in the manner therein mentioned. Endorsed, November 21st 1766, In the upper House, read the third time and passed. Ordered be engrossed,

The Bill to revive and continue an Act, Intitled an Act, to establish a ferry from Sollys point whereon the Court House now stands, on Pasquotank River, Endorsed November 21st 1766. In the upper House, read the first time and passed.

The Bill for appointing a Printer to this Province, Endorsed November 21st 1766. In the upper House read the second time and passed.

Mr Pollock, Mr Campbell, and Mr Brickill moved for leave to absent themselves from the service of the House

Ordered they have leave accordingly.

Ordered the Bill to amend an Act Intitled an Act, for Establishing a Town on the Lands formerly granted to William Churton Gentleman, lying on the North side of the Enoe River in the County of Orange, be read a second time, Read the same a second time, passed and ordered to be sent to the Council.

Sent the same to the Council by Mr Kenan and Mr Frohock.

Two of the Members of his Majesty's Honble Council came to the House and Mr Richard Ward, one of the Members from Onslow County, appeared, took the Oaths by Law appointed for his qualification, subscribed the Test, and took his seat in the House

It appearing to this House that Richard Grove, who was elected a Representative for the Town of Campbellton, is since dead, therefore—Resolved, that his Excellency the Governor be addressed to direct the Clerks of the Crown to issue a Writ for electing a Representative for the said Town in the room and stead of the said Richard Grove;

And that the following Message be sent to His Excellency the Governor, to wit,

TO HIS EXCELLENCY WILLIAM TRYON, ESQUIRE, CAPTAIN GENERAL,
GOVERNOR COMMANDER IN CHIEF, IN AND OVER HIS MAJESTYS
PROVINCE OF NORTH CAROLINA

SIR,

This House being informed that Richard Grove who was elected a Representative for the Town of Campbellton, is dead; therefore desire your Excellency will please to direct the Clerk of the Crown to issue a Writ for Electing a Representative for the said Town of Campbellton, in the room and stead of the said Richard Grove to sit and vote in the Present Assembly.

JOHN HARVEY Sp.

Sent by Mr Campbell and Mr Polk.

On motion ordered the Bill for reviving the several Acts of Assembly relating to the inspection of Tobacco be read the second time, Read the same a second time, amended passed and ordered to be sent to the Council,

Sent the same to the Council by Mr Kenan and Mr Frohock,

On motion ordered the Bill, for regulating the duty of a Vendue Master to be appointed for the Town of Wilmington in this Province be read the third time, Read the same a third time, amended passed, and ordered to be sent to the Council,

Sent the same to the Council by Mr Kenan and Mr Frohock,

The order of the day being read, Resolved, the House resolve into a Committee of the whole House tomorrow, to take into consideration the petition of the inhabitants of Pasquotank County.

On motion ordered the Bill to amend an Act, Intituled an Act, to prevent the exportation of unmerchable commodities, be read the second time Read the same a second time, amended passed and ordered to be sent to the Council.

Sent the same to the Council by Mr Kenan and Mr Frohock.

Mr Smith and Mr Moore moved for leave to absent themselves from the service of the House,

Ordered they have leave accordingly.

Then the House adjourned till 10 o'clock tomorrow morning.

Saturday November 22^d 1766.

The House met according to adjournment

On motion ordered the Bill to amend an Act Intituled an Act, for regulating the pilotage of Cape Fear River, and other purposes, be read the second time, read the same a second time, passed, and ordered to be sent to the Council,

Sent the same to the Council by Mr Ashe and Mr Knox.

Rec^d from the Council the following Message, Viz^t.

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

On reading the third time the Bill for establishing a school house, in the Town of New Bern, we have many objections to the said Bill as it now stands, and therefore propose the following amendments,

That the Minister of Christ Church Parish for the time being, be a Trustee or Director; and that the words we had inserted in this

House at the second reading for that purpose, and which you have *deled* in your House be *stetcd*.

That the duty on rum be continued for seven years only; and that these words for that purpose be inserted in the Bill after the words (be paid for and during the space of seven years, from and after the passage of this Act)

That the following clause be added to the Bill Viz^t (Provided, that no person shall be admitted to be master of the said school, but, who is of the established Church of England; and who, at the recommendation of the Trustees or Directors, or the Majority of them, shall be duly licensed by the Governor or Commander in Chief for the time being)

To which amendments, if you agree, please send two of your Members to see the same made,

Resolved the following Message be sent to the Council, Viz^t.

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

In answer to your Message of the 21st Instant, received this day, relative to the several amendments by you proposed, to the Bill for the establishing a school house in the Town of New Bern; as to the first we are sensible the present Minister of Christ Church parish being a Trustee or Director, would be very agreeable to the contributors to the building of the said school house and we have not the least doubt, should the Bill pass a Law, but he will be chosen one of the Trustees: at the same time to appoint the Minister for the time being one of the Trustees, we think would be depriving the said contributors of a right which they may justly claim; and therefore cannot agree to the amendment.

To the second and third, this House agree may be inserted in the said Bill, and send Mr Caswell and Mr Blount, two of the Members thereof, to see the same done accordingly.

JOHN HARVEY Sp

Mr Bryan moved for leave to absent himself from the service of the House.

Ordered he have leave accordingly.

Resolved, his Majesty be addressed by this House to return him their thanks for his assent to the repeal of the Act, commonly called the Stamp Act,

Mr Harnett from the Committee of Public Accounts reported the Committee had settled several Accounts with the several public accountants and had received the several sums following, on account of the sinking fund Viz^t from several Sheriffs by the hands of Samuel Swann Esquire the sum of two thousand five hundred and fifty seven pounds five shillings: from Joseph Montfort Esquire, Treasurer of the Northern District, Two thousand five hundred and twenty one pounds twelve shillings and two pence, and from the Executors of John Starkey Esquire, four hundred and nineteen pounds one shilling and eight pence proc money; which said several sums are to be burnt,

Resolved the Committee of the Whole House be, and they are hereby appointed to join a Committee of his Majestys Council to see the same burnt, at the House of Richard Cogdell at 4 °Clock this afternoon.

Resolved the following Message be sent to the Council, Viz^t

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL.

The Committee of Accounts have received the sum of £2557: 5 from the several Sheriffs by the hands of Samuel Swann Esquire, the sum of £2521: 12: 2^d from Joseph Montfort Esquire Treasurer of the Northern District, and the sum of £419: 1: 8: from the executors of John Starkey Esquire, on Account of the sinking fund, which said several sums are by Law to be burnt; this House have therefore appointed a Committee of the whole House, to see the sums burnt at the house of Mr Richard Cogdell, in New Bern, at 4 °Clock this afternoon, in conjunction with such of your Honors, as you shall think proper to appoint for that purpose.

JOHN HARVEY, Sp.

Sent by Mr Caswell and Mr Blount,

The order of the day being read, the House resolved into a Committee of the whole House to take under consideration the petition of the Inhabitants of Pasquotank County, and chose Mr Richard Caswell, Chairman; after some time spent therein the Committee came to several Resolutions; which Mr Chairman was directed to report to the House, Then the Committee arose, and Mr Speaker resumed the Chair.

Mr Chairman reported that it is the opinion thereof, that a Bill be prepared and brought into the House, for rating the price of the

several commodities therein mentioned; and that a Committee be appointed to prepare and bring in the same, That it is the opinion of the said Committee, That an humble address be prepared and presented to his Majesty, setting forth the great distress this Province is reduced to, from the want of a currency, and humbly implore his Majesty that he will be graciously pleased to use his Royal Influence with his Parliament; to take off the restrictions laid upon us by act of Parliament relative to future emissions of a paper currency; and such other relief as he, in his Royal Wisdom shall think meet,

The motion was made, and the question put, if the House agree to the said report,

Resolved, the House agree thereto.

Mr John Ashe, Mr Fanning, and Mr Robert Howe, are appointed a Committee to prepare an Address to his Majesty on the repeal of the Stamp Act.

And Mr John Ashe, Mr Fanning, and Mr Robert Howe are appointed a Committee to prepare an Address to his Majesty, for leave to emit a paper Currency,

Mr Harnett, Mr Caswell, Mr Frohock, Mr Knox, and Mr Phifer are appointed a Committee to prepare and bring in a Bill for rating the species of the several commodities therein mentioned,

Rec^d from the Council the Bill for allowing time for the payment of duties on Wine; and other spiritous Liquors, Endorsed, November 22^d 1766. In the upper House, read the second time amended and passed,

The Bill to prevent the unreasonable destruction [of fish] in Neuse River, Tar River, Fishing Creek &c^a Endorsed, November 21st 1766. In the upper House read the second time, amended and passed, and,

The Bill for facilitating the navigation of Port Bath, Port Roanoke and Port Beaufort, Endorsed, November 22^d 1766, In the upper House read the third time and passed with amendments,

Ordered to be engrossed.

The order of the day being read the House took into consideration His Excellency's Message of the 20th Instant, regarding the purchase of 530 Acres of Land for the use of Fort Johnston;

Mr Fanning moved a Committee be appointed to view the 530 acres of Land adjoining Fort Johnston, of which his Excellency sent a plan to this House; and Mr Ashe, Mr Harnett, Mr Kenan,

Mr Robert Howe, and Mr Bartram, are accordingly appointed for that purpose,

Resolved the following Message be sent to His Excellency the Governor,

TO HIS EXCELLENCY WILLIAM TRYON ESQUIRE, CAPTAIN GENERAL,
GOVERNOR AND COMMANDER IN CHIEF, IN AND OVER HIS MAJESTY'S
PROVINCE OF NORTH CAROLINA,

SIR,

This House have taken into consideration your Excellency's Message of the 20th Instant; and in Honour thereto have appointed a Committee of this House, to view the Land of which we have your Excellency's plan; and have instructed them to confer with the proprietors concerning the price, and to report to this House at the next session of Assembly, the value thereof, that such measures may be pursued as shall best answer the purposes of your Excellency's Message.

JOHN HARVEY Sp.

Sent by Mr Harnett and Mr Kenan.

On motion ordered, the Bill for appointing a Printer to this Province be read the third time, Read the same a third time, amended passed and ordered to be sent to the Council.

Sent the same by Mr Frohock and Mr Spencer.

Rec^d from the Council the following Message, Viz^t

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY

In answer to your Message, relative to burning the several sums paid in to the Committee of Accounts; This House have appointed a Committee of the whole House to see the same burnt at the House of Mr Richard Cogdell at the time you mention.

On motion ordered the Bill to amend and continue an Act, Intituled, an Act for appointing a Militia be read the third time, Read the same a third time, amended passed, and ordered to be sent to the Council,

Sent the same by Mr Frohock and Mr Spencer.

Then the House adjourned till 10 o'clock tomorrow morning.

Monday November 24th 1766.

The House met according to adjournment

Mr Harnett reported, that the Committee of the two Houses had attended and seen the money burnt, agreeable to the Resolve of Saturday last.

Mr Fanning moved that two Members wait on the Council, and ask them, if they will please join with this House in an Address to his Majesty, on the repeal of the Stamp Act.

Ordered that Colonel Frohock and Mr Spenceer wait on the Council for that purpose

Rec^d from the Council the Bill for establishing a school in the Town of Newbern; Endorsed, November 22nd 1766 In the upper House read the third time and passed with amendments.

Ordered to be engrossed, and

The Bill to establish the vestry of Saint James Parish in New Hanover County, to enable them to lay a tax to pay the Minister of the Parish, and defray the Contingent Charges thereof. Endorsed, November 22^d 1766. In the upper House, read the first time and passed.

On motion ordered the Bill, for erecting part of Rowan County and part of Orange County into a separate County, by the name of ----- County and ----- Parish be read the second time, Read the same a second time, amended passed, and ordered to be sent to the Council.

Sent the same to the Council by Mr Frohock and Mr Spencer.

Rec^d from the Council the following Bills, Viz^t

The Bill to amend an Act, Intituled an Act, for establishing a Town on the Land formerly granted to William Churton, Gentleman lying on the North side of the Enoc River, in the County of Orange, and

The Act, for reviving and reenacting the several Acts of Assembly, relating the Inspection of Tobacco. Endorsed, November 24th 1766. In the upper House read the second time and passed,

On motion ordered the Bill, to amend an Act, Intituled an Act, concerning Marriages, be read the second time, Read the same a second time, amended, passed and ordered to be sent to the Council,

Sent the same to the Council by Mr Frohock and Spencer.

Resolved the following Message be sent to the Council Viz^t

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House have appointed Mr Ashe, Mr Fanning and Mr Robert Howe a Committee to prepare an Address of thanks to his most gracious Majesty, on the happy event of the repeal of the Stamp Act, and other late Instances of Royal Clemency, manifested to the Colonies; and desire to be informed, if your Honors will join us; and if you will consent thereto, that you will appoint such of your Members as you shall think proper, to join the Committee of this House, in drawing up of the same, that it might appear to be the united and joint Address of two branches of the Legislature of this Province.

JOHN HARVEY Sp

Sent by Mr Frohock and Mr Spencer.

On motion ordered the Bill, to amend an Act, Intitled an Act, for establishing a Town on the Land formerly granted to William Churton Gentleman lying on the North side of the Enoe River in the County of Orange be read the third time, read the same a third time amended passed and ordered to be sent to the Council.

Sent the same by Mr Sheppard and Mr Mitchel.

On motion ordered the Bill for a further allowance to Sheriffs and Collectors of Taxes, and other purposes be read the third time, read the same a third time, amended, passed and ordered to be sent to the Council,

Sent the same to the Council by Mr Cray and Mr Palmer.

On motion ordered the Bill to prevent the unreasonable destruction of Fish in Neuse River, Tar River &c^a be read the third time, read the same the third time, amended, passed and ordered to be sent to the Council

Sent the same by Mr Cray and Mr Palmer

On motion ordered the Bill to amend an Act, Intitled an Act, for rendering more effectual the Laws making Lands, and other real Estates liable to the payment of debts, be read the second time, read the same the second time amended passed, and ordered to be sent to the Council

Sent the same by Mr ----- and Mr -----

On motion ordered the [Bill to] Revive and continue an Act, Intitled an Act, to establish a ferry from Sollys Point to Relfes Point whereon the Court House now stands on Pasquotank River be read the second time, read the same the second time and rejected

On motion ordered the Bill to establish the Vestry of Saint James' Parish in New Hanover County, to confirm their proceedings, and to enable them to pay the minister of the parish and to defray the Contingent charges thereof, be read the second time, read the same the second time and rejected,

Mr Caswell from the Committee appointed to prepare and bring in a Bill for rating the prices of the several commodities therein mentioned, presented the said Bill, which he read in his place, and delivered the same in at the Table, where the same was again read, passed, and ordered to be sent to the Council,

Sent the same to the Council by Mr Benton and Mr Sawyer,
Then the House adjourned till 10 o'clock tomorrow morning.

Tuesday November 24th 1766

The House met according to adjournment.

Rec^d from the Council the Bill, for erecting a convenient building within the Town of New Bern, for the residence of the Governor or Commander in Chief for the time being, Endorsed, November 24th 1766, In the upper House, read the third time and passed,

Ordered to be engrossed, also,

The Bill to amend an Act, Intituled an Act, for regulating the pilotage of Cape Fear River, and other purposes, Endorsed, November 24th 1766, In the upper House read the second time, amended and passed,

On motion ordered the Bill for reviving and re-enacting the several Acts of Assembly relating to the inspection of Tobacco, be read the third time, read the same a third time passed and ordered to be sent to the Council,

Sent the same by Mr Benton and Mr Sawyer.

On motion ordered the Bill for allowing time for the payment of the duties on Wine, and other spirituous liquors, be read the third time, read the same a third time amended passed, and ordered to be sent to the Council

Sent the same by Mr Haywood and Mr Rutherford.

On motion ordered the Bill to lay a tax on Pedlars and other Itinerant Traders coming into this Province, be read the second time. Read the same a second time amended passed and ordered to be sent to the Council.

Sent the same by Mr Haywood and Mr. Rutherford.

Rec^d from the Council the following Bills, Viz^t.

The Bill for a further allowance of commissions to Sheriffs and Collectors of Taxes and other purposes,

The Bill to amend an Act, Intituled an Act, for establishing a Town on the Land formerly granted to William Churton Gentleman, lying on the North side of the Enoc River in the County of Orange,

The Bill for reviving and re-enacting the several Acts of Assembly relating to the inspection of Tobacco, Endorsed, November 25th 1766, In the upper House, read the third time and passed,

Ordered to be engrossed.

The Bill for altering the Boundary Lines between the Counties of New Hanover and Duplin, and between Duplin and Johnston Counties; Endorsed, November 25th 1766, In the upper House, read the second time amended and passed.

On motion ordered the Bill to amend an Act Intituled an Act, for regulating the pilotage of Cape Fear River and other purposes, be read the second time. Read the same a second time, amended passed, and ordered to be sent to the Council.

Sent the same by Mr Williams and Mr Cray.

Mr Charles Blount, and Mr Knox moved for leave to absent themselves from the services of the House, the remainder of the Session.

Ordered they have leave accordingly.

Rec^d from the Council the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

We have taken your Message of the 24th Instant, in consideration, and shall most chearfully join you, in your proposal of addressing his Majesty on the recent and glorious instance of Royal favour, manifested to his faithful Subjects in America, We have appointed the Honorable Lewis DeRosset and Henry Eustace McCulloh Esquires, a Committee of this House, to join your Committee in preparing the said Address.

On motion ordered the Committee appointed to prepare and bring in a Bill for cutting and clearing a road from Rowan, Anson and Mecklenburg Counties; and the several other Counties therein mentioned, the best and nearest way to Wilmington on Cape Fear River be discharged from bringing in the said Bill.

On motion ordered that Mr Waddell, Mr Polk, Mr Frohock, Mr James Moore, and Mr Spencer or a Majority of them be appointed

a Committee to view and report the most convenient and nearest way of making a road from Rowan, Anson and Mecklenburg Counties to Wilmington.

Rec^d from the Council the Bill for rating the species of the several Commodities therein mentioned, and,

The Bill to impower the Church Wardens and Vestrymen of Saint John's Parish in the County of Bute, to appropriate the surplussage money levied for erecting the public Building in said County, to the use of the said Parish of Saint Johns, Endorsed November 25th 1766, In the upper House read the first time and passed.

Rec^d from the Council the following Message Viz^t

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

On reading for the third time the Bill to amend and continue an Act, Intitled an Act, for appointing a Militia; We propose to *dele* the whole of the Clause, relative to the adjutant General, *steted* by you on the third reading; if you agree to this amendment, please to send some of your Members to see the same done,

Resolved the following Message be sent to his Majestys Honorable Council, Viz^t

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL

On reading your Message of this day relative to the Bill to amend and continue an Act, Intitled an Act for appointing a Militia, We apprehend the whole of the clause, relative to the Adjutant General was on our third reading *deled* by us; We therefore agree to your proposed amendment, and send Mr John Ashe, and Mr Robert Harris to see the same made,

JOHN HARVEY, Sp.

On motion ordered the Bill to Impower the Church Wardens and Vestrymen of Saint John's Parish in the County of Bute; to appropriate the surplussage money, levied for erecting the public buildings in said County, to use of the said Parish of Saint John's be read the second time, read the same a second time, passed and ordered to be sent to the Council.

Sent by Mr Ashe and Mr Harris,

On motion ordered the Bill, for ascertaining the boundary Lines between the Counties of New Hanover and Duplin, and between

the Counties of Duplin and Johnston, be read the third time, Read the same a third time, amended passed and ordered to be sent to the Council,

Sent by Mr Ashe and Mr Harris.

On motion ordered the Bill, for rating the prices of the several commodities therein mentioned, be read the second time, Read the same a second time, amended passed, and ordered to be sent to the Council.

Sent by Mr White and Mr Richard Ward

Rec^d from the Council the Bill to amend and continue an Act, Intituled an Act for appointing a Militia, Endorsed November 25th 1766, In the upper House, read the third time and passed with amendments.

Ordered to be engrossed, also,

The Bill, to amend an Act, Intituled an Act concerning Marriages. Endorsed November 25th 1766, In the upper House read the second time and passed with amendments

Rec^d from the Council the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

We observe that in your answer to our Message, of the 20th Instant, on the Treasurers Bill, you have insisted upon your sole right of nomination and thereby continued those difficulties which obstruct the Bills passage: We do not see (however condescending we might wish to be for the sake of any public measure) how we can (circumstanced as we now are) recede from our proposed amendments; as such a procedure would argue a relinquishment of our joint right of nomination, which we will, by no means agree to make; however if you will agree, that in case we pass the Bill, it shall be looked upon as a joint nomination of the Houses, from our regard to the measure, we will agree to pass it; otherwise we cannot; you will therefore please to consider this subject again; and how far any accident that may befall the Bill, may be justly imputable to you or to us.

Then the House adjourned till 4 °Clock in the afternoon.

P. M. The House met according to adjournment

Rec^d from the Council the Bill, for allowing time for the payment of the duties on wine and other spirituous liquors, also,

The Bill for ascertaining the Boundary lines between the Counties of New Hanover and Duplin, &c^a Endorsed, November 25th 1766, In the upper House read the third time and passed,

Ordered to be engrossed, and

The Bill to amend an Act, Intituled an Act, for regulating the pilotage of Cape Fear River, and other purposes. Endorsed, November 25th 1766, In the upper House read the third time, amended and passed,

Ordered to be engrossed,

Then the House adjourned till 10 o'clock tomorrow morning.

Wednesday, November 26th 1766.

The House met according to adjournment

On motion ordered, the Bill to amend an Act, Intituled, an Act for regulating the pilotage of Cape Fear River, and other purposes, be read the third time, read the same a third time; and then on motion,

Resolved, the following Message be sent to the Council, Viz^t,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

On reading the third time, the Bill, to amend an Act, Intituled an Act for regulating the pilotage of Cape Fear River, and other purposes, we observe your Honors have *steted* the Clauses relative to the duty on tonnage, and duty on the exportation of tar, pitch and turpentine, to South Carolina, and also, the clause requiring an addition to the Bond to be given by Masters of Vessels which were *deded* by us, on the second reading of the Bill in this House; We propose that the same be *deleted*; to which if you agree, please to signify the same [to] this House, otherwise we cannot pass the Bill,

Sent by Mr Harnett and Mr Shepard.

On motion, Resolved, the following Message be sent to the Council, Viz^t.

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

It is with real concern that we find our answer to the amendments proposed by your Honors Message to this House of the 20th Current, in the Bill for appointing a Treasurer, has proved dissatisfactory; and the more so, as it appears from the import of yesterday's Message, that exception has been taken rather at the mode of expressions in our Answer, than to our non compliance

with the proposed amendments. In our answer we endeavoured to adopt the greatest delicacy of expression, and as we conceived, entirely avoided either asserting the sole right of nomination in us, or denying the right of joint nomination, as mentioned in your message, with a design of leaving this point of modern controversy to be disputed at some future season, when there should be greater need of, and stronger inclination to debate between the two Houses on points of privilege. In this view of the matter we can't but flatter ourselves, it will be thought consistent with the wisdom and justice of your House, at this time, to wave an explicit or definite determination of the rights of the nomination between the two Houses, especially on this occasion, Wherein the peace of Government, the public good and the harmony of two branches of the Legislative body of this Province must greatly depend, This House would most cheerfully acquiesce with every measure, and comply with every sutible proposal, to remove the difficulties that may obstruct, the passing of the Bill before your Honor's, a Bill wherein the interest of the public is most nearly and essentially concerned, and therefore should esteem your passing the Bill, as it left this House, not as a relinquishment of any of your rights, but as an earnest of your desire to advance the public good, and to cultivate that harmony and unanimity which ought ever to subsist between the two Houses; and which we are most cordially disposed to promote, by every laudable and amicable measure,

JOHN HARVEY Sp.

Sent the same to the Council by Mr Fanning and Mr Benton.

Rec^d from the Council the Bill to amend an Act, Intitled an Act, to prevent the exportation of unmerchantable commodities: and,

The Bill to lay a Tax on Pedlars, and other Itinerant Traders coming into this Province, Endorsed, November 26th 1766. In the upper House, read the second time, amended and passed,

On motion ordered the Bill to amend an Act, Intitled, an Act, Concerning Marriages be read the third time. Read the same a third time, amended, passed, and ordered to be sent to the Council.

Sent the same to the Council by Mr Fanning and Mr Benton,

Rec^d from the Council the Bill to empower the Church wardens and Vestrymen of Saint John's Parish in the County of Bute, to appropriate the surplussage money levied for erecting the public buildings in said County, to the use of the said Parish of Saint John's;

Endorsed, November 25th 1766, In the upper House, read the second time amended and passed,

Rec^d from his Excellency the Governor (by Mr Elwin) the following Message

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY

The several letters of correspondence and Indian talks, I now send you, are on the subject of an application Mr Stewart Superintendant of Indian affairs made, to me to run a dividing line between the Western settlements of this Province, and the Cherokee hunting grounds: these will point out to you the line proposed to be run, and the steps I took in Council, relative to Mr Stewart's application, and the expectations of the Indians; The necessity of this expedient is strongly urged by Mr Stewart, and appears necessary to secure the peaceable settlement and tranquility of the Inhabitants in the Western Frontiers, till his Majesty shall obtain a further Grant of Lands, from the Indians: This will also, in all probability, not only be a great means of preventing a rupture with the Indians, but avoid incurring a heavy expence to the public; which might be the consequence of such a rupture. I must therefore Gentlemen, apply to you for a Vote of Credit, for such a sum as you shall think necessary, to supply the expence of running the said Line, and presents to the Cherokee Indians.

I should have communicated this matter sooner to your House, but waited in the daily expectation of an Express from Mr Cameron, Deputy to Mr Stewart who was to send me in word, when the Indians would be on the spot ready to run the dividing line.

I have reason to believe before the next Session of this Assembly, a General Post may be undertaken by the Post Master General of the Southern Districts for the conveyance of Letters through this Province, from Suffolk in Virginia, to Charles Town; therefore for your information, I send you the Rout I proposed to the Post Master General, to be applied in such a manner as I shall find most salutary and convenient for so essential a service.

W^m TRYON.

On motion ordered, that the said Message lie for consideration until tomorrow.

On motion ordered the Bill to lay a tax on Pedlars and other Itinerant Traders coming into this Province, be read the third time,

Read the same the third time, amended passed, and ordered to be sent to the Council,

Sent the same to the Council by Mr Fanning and Mr Benton,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

On reading the third time, the Bill for regulating the duty of a vendue Master, to be appointed for the Town of Wilmington in this Province,

We propose the following amendments, Viz^t—That the Title of the Bill on the top, be made agreeable to the Title, Endorsed on the back,—That as the commissions allowed by the Bill, as it now stands, are too low, we propose to allow two and a half per cent on all sales not amounting to more than one hundred pounds, and that the words (to be) be inserted in the clause, obliging the vendue Master to account, to make that clause consistent with the Bill; to which amendments, if you agree, please to send some of your Members to see these amendments made;

On motion, Resolved the following Message be sent to the Council, Viz^t

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

In answer to your Message, relative to the Bill, for regulating the duty of a vendue Master to be appointed for the Town of Wilmington, in this Province; this House do agree to the several alterations proposed by your Honors, Except in that part relative to the Commissions; which this House cannot agree to, If this proposal should be agreeable, the Members who carry this Message will see the alterations made.

JOHN HARVEY Sp.

On Motion, ordered the Bill, to impower the Church Wardens and Vestrymen of Saint John's Parish in the County of Bute, to appropriate the surplussage money levied for erecting the public buildings in the said County, to the use of the said Parish of Saint John's be read the third time, Read the same a third time passed, and ordered to be sent to the Council.

Sent the same to the Council by Mr Fanning and Mr Benton,
Then the House adjourned till 9 o'clock tomorrow morning.

Thursday November 27th 1766

The House met according to adjournment

On motion ordered, the Bill, to amend an Act, Intituled an Act, to prevent the exportation of bad unmerchantable commodities, be read third time, read the same a third time, amended passed and ordered to be sent to the Council.

Sent the same by Mr Williams and Mr Kenan.

Mr Caswell Chairman of the Committee of Claims reported that the Committee had settled and allowed sundry claims; which were read; and there appearing several blanks in the said reports, Resolved the said blanks be filled up; The same were accordingly filled up, and then the House agreed to the said report, Except two claims, one to Robert Howe Esquire Associate Judge of Wilmington District, the other to Montfort Elbeck Associate Judge of Halifax District, which were disallowed by the House,

Rec^d from the Council the Bill to lay a tax on Pedlars and other Itinerant Traders coming into this Province, and also,

The Bill to empower the Church Wardens and Vestrymen of St John's Parrish in the County of Bute to appropriate the surplusage money levied for erecting the public buildings in said County to the use of the said Parish of St Johns, Endorsed, November 26th 1766, In the upper House, read the third time and passed,

Ordered to be engrossed.

Rec^d from the Council the following Message Viz^t

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading your Message, relative to the regulating the pilotage of Cape Fear River, and other purposes, we agree to your proposal of *deleting* the several clauses you mention; and hope the Bill will then pass your House,

On motion ordered, the said Bill be again read, the said Bill passed, and ordered the same be engrossed.

On motion, ordered the order of the Day be read, read the same; and then Resolved, It be taken in consideration Tomorrow.

Received from the Council the following Messages Viz^t,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading the third time, the Bill to prevent the unreasonable destruction of Fish in Neuse River &c^a. We observe you have omit-

ted to mention the limit you intended, as to Neuse River: You will please send two of your Members to have it inserted.

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading the Bill for appointing a Printer to this Province, We propose the following amendments, Viz^t. To make the time for printing and transmitting the Laws three months, as it stood at first, instead of four months— And that the said James Davis transmit to the Clerk of each House of Assembly, one copy of the Journals of the Assembly; and that you *dele* the word either, and insert each, to prevent disputes; To which amendments, if you agree, please to send some of your members to see the same made.

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading a third time of the Bill to prevent the Inhabitants of South Carolina driving their stocks of cattle, from thence to range and feed in this Province, &c^a, We observe you have inserted, between the first and second lines in the second section these words, Not an Inhabitant of this Province; which we apprehend arose from an opinion in your House, that the Inhabitants of this Province are tied down by the Bill, (as it before stood) not to keep more than ten head of their own Cattle to every hundred Acres of Land: But as that is not the case and intent, we would propose to *dele* the above mentioned words, and also these words, preceeding, And be it further enacted by the authority aforesaid, That and consolidate the first and second clause in the Bill by inserting the word, and, immediately after the last word in the first section, And the word, such, before the word cattle; which amendments will make the Bill more consistant and clear than it at present stands: to which, if you agree please send some of your Members to see the alterations made.

On motion Resolved the following Message be sent to the Council,

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

We agree [to] the several alterations proposed by your two Messages of yesterday, and one of this day, relative to a Bill for appointing a Printer; The Bill to prevent the unreasonable destruction of Fish in Neuse River; and the Bill to prevent the Inhabitants of South Carolina driving their Stocks of Cattle from thence to

range and feed in this Province, and have sent Mr Ashe and Mr Spencer two of the Members of this House, to see the same made.

JOHN HARVEY Sp.

Sent the report of the Committee of Claims to his Majesty's Council for their concurrence.

Rec^d from his Excellency the Governor, the following Message in Writing, and also the papers,

MR SPEAKER & GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I send you herewith two letters; I received yesterday, the one from the Earl of Halifax, late Secretary of State; the other from the Lords Commissioners of Trade and Plantations relative to a demand of Mr Samuel Wyley, for surveying the Catawba Lands, I am to recommend to your House, in obedience to his Majesty's Commands, that a provision may be made for the discharge of the moiety of one thousand pounds, South Carolina currency. Charged by Mr Wyley, for the above mentioned Service.

W^m TRYON,

Mr Ashe moved that the Committee appointed on Saturday the 22nd Instant, to prepare an Address to his Majesty, for leave to emit a paper currency be discharged.

Resolved the said Committee be discharged accordingly.

Mr Fanning from the Committee appointed to prepare an Address to his Majesty on the repeal of the Stamp Act, reported, that the Committee, had prepared the said Address, which he presented to the House, and read the same,

Resolved the same stand the Address of this House, and entered on the Journal thereof; and is as follows, Viz^t

TO THE KING'S MOST EXCELLENT MAJESTY.

The Humble Address of the Council and Assembly of North Carolina,

MOST GRACIOUS SOVEREIGN,

We your Majesty's most loyal and dutiful Subjects, the Council and Assembly of this your Province of North Carolina, beg leave with all humility to approach your Throne, with our warmest wishes, for the safety and prosperity of your Royal Person, Family and Government,

The very considerable part your Majesty's faithful Subjects in America have borne in the late Transactions, make it highly necessary for them to take the earliest opportunity of manifesting their unshaken Loyalty, and of making every return of duty and gratitude for the paternal goodness, which has so graciously relieved them, Permit, us Sir, your faithful Subjects of North Carolina, with all truth, to assure your Majesty, that in the times of our utmost apprehensions, our breasts were ever filled with the purest sentiments of love and loyalty to the best of Kings, nor did we doubt, but that your tender care over all your Subjects, would (as soon as our grievances were made known) relieve us from a burden much too heavy for us to bear. It is the Glory and happiness of the Inhabitants of this your Province of North Carolina, to look upon themselves as part of the British Empire; and as such to testify and acknowledge (upon all occasions) not only the love and duty of their hearts to your Majesty's Royal person, family and government, but also their cordial and natural attachment to the Mother Country; And we doubt not, but that the wisdom and justice, with which the Parliament assisted your Majesty, in your most gracious purposes, of not only relieving your American Subjects from the late unhappy situation, but of opening new Channels for Trade and Commercial Advantages, will be productive in us, of every proper sentiment of respect and gratitude. With joy and thankfulness we acknowledge these recent instances of your Majesty's goodness, and the Justice of Parliament; as thereby the happiness of your subjects is secured and fixed upon the true basis of public Liberty.

That your Majesty may long Reign in the hearts of an united grateful and happy people; and that when, after a length of years, Heaven shall take you to itself, there never may be wanting one of your illustrious and gracious Family, to fill the Throne of the British Empire; are the ardent prayers of your Majesty's most dutiful and loyal Subjects the Council and Assembly of this Province.

Then the House adjourned till 4 o'clock in the afternoon.

P. M. The House met according to adjournment.

Rec^d from the Council the following Message, to wit,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading the third time the Bill to amend an Act, Intituled an

Act, to prevent the exportation of unmerchable commodities, We observe you have inserted a clause for appointing several places of inspection, and have *stetd* the clause for repealing the duty on raw hides and calf skins. We propose, that both these clauses be *deled*; to which if your House agree please to send some of your members to see the same done.

Rec^d from the Council the Bill to amend an Act, Intitled an Act, for rendering more effectual the Laws making Lands and other real estates, liable to the payment of debts, Endorsed, November 27, 1766, In the upper House, read the second time amended and passed.

On motion ordered the following Message be sent to the Council, Viz^t

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

In answer to your Message of this Day, regarding the Bill to amend an Act, Intitled an Act, to prevent the exportation of unmerchable commodities. We agree to your proposal; and send Mr Person and Mr Shepard two of the Members of this House, to see the clauses you mention, *deled*.

JOHN HARVEY Sp.

Rec^d from the Council the Bill, for appointing a public Treasurer in the room of John Starkey Esquire deceased, Endorsed, November 27th 1766 In the upper House read the third time and passed,

Ordered to be engrossed.

Also the following Bills Viz^t.

The Bill to prevent the unreasonable destruction of Fish in Neuse River, Tar River, Fishing Creek, Rockey River, the South fork of the Catawba River, the South fork of the Yadkin River, and Contentney Creek,

The Bill for appointing a Printer to this Province, and,

The Bill, to prevent the Inhabitants of South Carolina driving their Stocks of cattle from thence to range and feed in this Province, and other purposes, Endorsed, November 27th 1766, In the upper House, read the third time and passed with amendments,

Ordered to be engrossed,

On motion ordered the Bill to amend an Act, Intitled an Act, for rendering more effectual the Laws making Lands and other real

estates, liable to the payment of debts, be read the third time, read the same third time, amended, passed and ordered to be sent to the Council.

Sent the same by Mr Harris and Mr Mitchell.

Received from the Council the following Message, Viz^t

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading the third time the Bill, to amend an Act, concerning Marriages; We propose, that the Bill should be amended as it went from this House on our second reading, to wit, to *dele* these words, or of the dissenting Presbyterian Clergy, in the second line, in the second section; to *dele* the words, in their usual and accustomed manner between the third and fourth lines, in the second page; to *stet* in the fifth line these words, any minister of the Church of England, or to *dele*, in the first proviso, these words inserted by you, or in such manner as directed by this Act.

And also that the following clause be added, And be it further enacted by the Authority aforesaid, that this Act shall be and remain in force for and during the space of three years from the passing thereof, and no longer, to which amendments if you agree, please send some of your Members to see the same made.

Rec^d from the Council the Bill to amend an Act, Intituled an Act to prevent the exportation of unmerchantable commodities, Endorsed, November 27th 1766, In the upper House read the third time and passed with amendments,

Ordered to be engrossed.

Then the House adjourned till 9 o'clock tomorrow morning.

Friday November 28th 1766.

The House met according to adjournment

Mr Harnett, Chairman of the Committee of Accounts, Reported, that the said Committee had settled and allowed sundry Accounts; which he laid before the House, and to which the House agreed, and ordered the same be sent to the Council for concurrence.

Sent the same to the Council for concurrence by Mr Pugh and Mr Dawson.

On motion Resolved, the following Message be sent to the Council Viz^t,

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

In answer to your Message of yesterday, wherein you propose several amendments to the Bill to amend an Act, concerning Marriages; We inform your Honors, that it was the sense of this House, on reading the Bill, the following words, or any of the dissenting Clergy, as *deled* in your House should remain so, and this House for the clearer and better understanding of the Bill, agree that the words, by license, be inserted between the words proposed to be *deled* in the first proviso; which will read then as follows, or by License, in such manner as directed by this Act; and with these alterations, hope your Honors will pass the Bill, as we cannot agree to any other alteration or amendment, and, if your Honors will pass the Bill with this Alteration, the two Members by whom this is sent, will see the alterations made.

JOHN HARVEY Sp.

Sent by Mr Fanning and Mr Robert Howe.

Ordered the following Message be sent to the Council Viz^t.

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

The Committee appointed by this House, in Conjunction with a Committee of yours to draw up an address to his Majesty, have reported, that the same is prepared; which on being read, is approved of by this House, and herewith send it to you for your Honors' Concurrence; that it may appear to be received as the joint address of both Houses.

JOHN HARVEY Sp.

The order of the Day being read, the House took into consideration the several papers sent by his Excellency the Governor, relating to the Line to be run between this and the back Lands, claimed by the Cherokee Indians; and also a sum necessary to be given, to enable the Post Master General, to carry on a post from Suffolk in Virginia, to the boundary House between this Province and South Carolina.

Resolved, that His Excellency the Governor be impowered to appoint three Persons commissioners to run the dividing Line between the Cherokee Indians, and the Western Frontier of this Province That His Excellency be also impowered, to draw on the Treasurers of this Province for a sum not exceeding one hundred

pounds proclamation money; by them to be paid out of the Contingent Fund; and pay the same to the commissioners by them to be appointed aforesaid, to enable them to run the said Line; and that the said Commissioners lay an Account of their disbursements before this House, at the next Session, for Consideration,

Resolved, that after the Post Master General shall have Established a post, agreeable to the Rout following; that is to say

From Suffolk in Virginia, to the Boundary House of North and South Carolina

| On the Sea Coast, | Miles |
|---|------------|
| From Suffolk to Cotton's Ferry on Chowan River----- | 35 |
| To Appletree Ferry on the Roanoke----- | 30 |
| To Salter's on Tar or Pamlico----- | 35 |
| To Kemp's Ferry on Neuse River----- | 28 |
| To New Bern ----- | 10 |
| To Trent Bridge ----- | 13 |
| To Warburton's----- | 13 |
| To Sneads, on New River Ferry----- | 26 |
| To Sage's----- | 13 |
| To Collier's ----- | 14 |
| To Wilmington ----- | 15 |
| To Brunswick ----- | 15 |
| Brunswick Ferry----- | 2 |
| To Bells ----- | 20 |
| To the Boundary House ----- | 23 |
| Total----- | 292 Miles. |

His Excellency be impowered to draw on the said Treasurers for a sum, not exceeding one hundred and thirty pounds six shillings and eight pence proclamation money, out of the contingent fund, to enable the Post Master General, to carry on agreeable to the Rout above mentioned.

Resolved, that His Excellency be impowered to draw on the Treasurers of this Province, and by them to be paid, out of the Contingent fund a sum not exceeding one hundred and seventy five pounds proclamation money to be paid to the commissioners to be appointed by his Excellency, to run the Line between the Western Frontier of this Province and the Cherokee Indians in behalf of this Province.

Resolved that his Excellency's Message, relative to an allowance to Mr Wyley, for surveying the Catawba Lands &c^e lie over till the next Session of Assembly for consideration.

Rec^d from the Council the following Bills, Viz^t.

The Bill to amend an Act, Intituled an Act, concerning Marriages,

The Bill to amend an Act, Intituled an Act, for rendering more effectual the Laws making Lands and other real estates &c^e Endorsed, November 28th 1766, In the upper House read the third time, and passed with amendments,

Ordered to be engrossed.

Then the House adjourned till 9 o'clock tomorrow morning.

Saturday November 29th 1766

The House met according to adjournment

Resolved, that the following Address be presented to his Excellency the Governor Viz^t.

TO HIS EXCELLENCY WILLIAM TRYON, ESQUIRE, HIS MAJESTYS CAPTAIN, GENERAL, GOVERNOR AND COMMANDER IN CHIEF, IN AND OVER HIS MAJESTYS PROVINCE OF NORTH CAROLINA.

The Humble Address of the Council and Assembly
of the said Province,
SIR,

We the Members of the Council and Assembly of this Province have prepared a joint Address, to our most gracious Sovereign, on the Subject of the many and signal Instances of his Royal favour, which he has recently conferred on his faithful Subjects in America

Emboldened by the kind assurances and encouragement you was pleased to give in your answer to the Assembly's Address, at the opening of this present Session, we beg leave to recommend such our address to your Excellency; trusting, that through your good Offices, the sentiments and wishes of his Majesty's faithful Subjects of this Province will be safely and speedily laid before the royal presence,

JOHN RUTHERFORD, P.

JOHN HARVEY, Sp.

On motion, Resolved, that the following Message be sent to his Excellency the Governor Viz^t

TO HIS EXCELLENCY WILLIAM TRYON ESQUIRE CAPTAIN GENERAL
GOVERNOR AND COMMANDER IN CHIEF, IN AND OVER HIS MAJ-
ESTY'S PROVINCE OF NORTH CAROLINA,

SIR.

This House having taken under consideration your Excellency's Message of the 26th Instant; as also the several Letters and Indian Talks, that accompanied it, from all which, this House readily discover the expediency and apparent necessity of having a dividing line run, between the Western settlements of this Province, and the Cherokee Hunting Grounds,

The many and great advantages that the Public may probably reap, from making the Indians the small gratuity of one hundred and seventy five pounds proclamation money, are so obvious, that this House is easily induced to give your Excellency a Grant of that sum,

This House being perfect strangers to the difficulty and expence that will attend the running of the dividing line, find ourselves entirely at a loss to fix upon a sum that should be found adequate to such an understanding; (thus circumstanced as we are) have, as the only apparent expedient that can be adopted, given your Excellency a vote of Credit for a sum not exceeding one hundred pounds proclamation money, towards defraying the expences of such Commissioners as your Excellency shall appoint, not exceeding three; who shall be subject to your Excellency's Instructions in running the aforesaid dividing line; and shall return to this House and lay before them an account of their necessary charges and disbursements, to be allowed as a claim on the Public.

The Rout proposed by your Excellency for the post, when undertaken by the Post Master General, is highly approved of by this House; and for encouraging so beneficial an undertaking, have Resolved, that your Excellency's draught on the Treasurers of either District, shall be honored as far as one hundred and thirty three pounds six shillings and eight pence proclamation money, for that Service.

JOHN HARVEY, Sp.

Sent by Mr Person and Mr Dawson.

On motion, Resolved, that the following Message be sent to His Excellency the Governor, Viz^t

TO HIS EXCELLENCY WILLIAM TRYON, ESQUIRE, CAPTAIN GENERAL,
GOVERNOR, AND COMMANDER IN CHIEF, IN AND OVER HIS MAJESTY'S
PROVINCE OF NORTH CAROLINA,

SIR,

Your Excellency's Message of the 27th current, in relation to Mr Wyley's Claim for running out the Catawba's Lands, has been taken under consideration; and we shall readily and cheerfully comply with what is required by the Earl of Halifax's Letter, and the Letter from the Lords Commissioners for Trade and Plantations to your Excellency, as soon as this House can form a just estimate of what he merits; but hope your Excellency will approve postponing the allowing of any certain claim till this House can inform themselves of the Nature and Worth of his Service.

JOHN HARVEY Sp.

Sent by Mr Person and Mr Dawson.

Mr Cray moved for leave to absent himself from the service of the House.

Ordered he have leave accordingly

Then the House Adjourned till 4 o'clock in the afternoon,

P. M. The House met according to adjournment.

Resolved, the following Message be sent to His Excellency the Governor, Viz^t

TO HIS EXCELLENCY WILLIAM TRYON, ESQUIRE, CAPTAIN GENERAL,
GOVERNOR, AND COMMANDER IN CHIEF, IN AND OVER HIS MAJ-
ESTY'S PROVINCE OF NORTH CAROLINA,

SIR,

Your Excellency's Message of the 17th current in favour of the unhappy sufferers at Montreal, has long remained unanswered; This House being reluctant to refuse, and unable to comply with [what] your Excellency most humanely and compassionately recommends, Such a rare and uncommon instance of heavy distress has not failed to rouse and excite our warmest commiseration and pity, and were we at liberty to follow the strong impulses of our inclination, we should contribute largely and handsomely to their assistance and relief, but sorry we are to say it Sir, yet it is a truth, a melancholy truth, that it appears by this days report of the Committee of Accounts, that such is the low state of our public funds; and such

we know is the extreme poverty of this Province, and the great scarcity both of specie and currency circulating among us that, whatever may be the private sentiments of the feelings of our own hearts as Individuals, yet in our own public capacity as Representatives of the people we are obliged to close the hand of Charity, and withhold that assistance and relief, which we could wish to be able to afford. As this excuse, may it please your Excellency, for withholding our Charitable donations, is but too just and too true, we would fain hope that we shall escape the odious imputation of an obdurate insensibility for unfortunate distressed poverty

JOHN HARVEY Sp.

Rec^d from the Council the following Message Viz^t

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

We observe that you have allowed James Davis, for printing the Laws and Journals of 1764, and last Session one hundred and ninety pounds, which allowance we cannot think just; as a printer was, by Commission under the late Governor appointed, whose office it was to print the Laws; and having performed that Service; is intitled to the proper salary: and we shall, under no circumstances, agree that any allowance shall be made to the said Davis, or any other, under any particular resolve of your House; and therefore propose, that the said claim be disallowed, and a resolve pass the Houses that Andrew Stewart, His Majesty's Printer be allowed the sum of one hundred pounds; and James Davis the sum of one hundred and ninety pounds to be paid by the Public Treasurers, We propose this, in order to avoid entering more particularly into these matters at present and hope you will concur with us. We would further propose to you, to allow the Clerk of the Committee of Claims thirty pounds instead of twenty; as we conceive it an allowance more adequate to the service and the dignity of both Houses.

Then the House adjourned 'till 10 °Clock Monday Morning

Monday December 1st 1766.

The House met according to Adjournment

Résolved, the following Message be sent to the Council, Vizt.

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

In answer to your Honors Message of Saturday last, to prevent the force and authority of precedent to Futurity, to avoid which, we apprehend is the most weighty objection, with your House to Mr James Davis' allowance, we agree that the sum of one hundred and ninety pounds, allowed Mr Davis should appear; not as acting under the sole Resolve of this House, but a claim of Services done the public; and should Mr Andrew Stewart lay in his claim, for services rendered the public as a printer, we doubt not, but it would be thought consistent with the duty of this House, to observe the same rules of distributive Justice in the consideration of Mr Stewarts claim, as that of any other person; but as the commission he acted under, is unknown to the Laws and Constitution of our Country, and consequently his salary (if anything which we deny) uncertain: We cannot conceive how we can be made acquainted with the measure of his service, or the worth of his labour by any other method than by a claim on the public, legally exhibited. We cannot agree to augment the allowance made the Clerk of the Committee of Claims; as we flatter ourselves he thinks the compensation made him by this House adequate to his service. As it would at all times, yet more especially at this juncture, give us pain to offer any thing that should be cause of discontent to your Honors, so, on the contrary, would it afford us the highest pleasure, should this answer to your Message be thought satisfactory, and thereby happily terminate the business of this Session. To which, if you agree, the Members of this House who carry this, will see the proposed alteration.

JOHN HARVEY Sp.

Sent by Col^o Caswell & Mr Jacob Blount.

Mr Caswell and Mr Blount who waited on the Council with the above Message, and being returned, acquainted the House, that the Council could not agree to the said Message.

Rec^d from the Council the reports of the Committee of Accounts, Endorsed December 1st 1766, Concurred with,

And the report of the Committee of Claims, Endorsed, December 1st 1766, In the upper House, Concurred with, except the claim of James Davis for £190, which they rejected,

Resolved the following Message be sent to His Excellency the Governor Viz^t.

TO HIS EXCELLENCY WILLIAM TRYON ESQUIRE, CAPTAIN GENERAL,
GOVERNOR AND COMMANDER IN CHIEF, IN AND OVER HIS MAJESTY'S
PROVINCE OF NORTH CAROLINA,

SIR,

This House have Resolved that James Davis Printer be allowed the sum of one hundred and ninety pounds proc. money, for Printing the Journals, and the several Laws passed at Wilmington in the year 1764, and last Session at New Bern in 1765; and also the sum of ten pounds to William Godfrey who carried the said Laws from Wilmington to New Bern and delivered them to the said Davis, and desire your Honors concurrence therewith,

JOHN HARVEY Sp.

Sent the same by Mr Howe and Mr Harnett

Sent the Estimate and Allowance of this House to the Council.

Then the House adjourned 'till 4 o'Clock in the afternoon.

P. M. The House met according to adjournment.

Rec^d from the Council the Estimate of that House for Concurrence,

Resolved, the said estimate be concurred with, except the allowance of one hundred pounds to John Burgwin Clerk for his extra services; to which the House cannot agree; as we think that sum much too large for the service.

JOHN HARVEY Sp.

Mr Ashe and Mr Person waited on His Excellency the Governor, and acquainted him the House desire to know when they shall wait on him with the Engrossed Bills, for his assent, being returned, acquainted the House that His Excellency would receive them immediately.

Mr Burgwin brought a verbal Message from his Excellency the Governor requiring the immediate attendance thereof, in the Council Chamber with the Engrossed Bills.

Mr Speaker with the House, waited on his Excellency in the Council Chamber with the following Bills, to wit,

The Bill for appointing a Public Treasurer in the room of John Starkey Esquire,

The Bill, for relief of such persons who have not registered their Deeds &c^a

The Bill for further continuing an Act for the restraint of Vagrants.

The Bill for continuing an Act to suppress excessive and deceitful gaming.

The Bill for erecting and building a Court House, prison and stocks in Bath Town.

The Bill for confirming a Lease made by the Tuscarora Indians, to Robert Jones and others.

The Bill for appointing the method of distributing Intestates Estates,

The Bill for erecting a Court House and Prison, for the District of Edenton.

The Bill for joining the Navigation of Old Topsail Inlet, to Neuse River by cutting a navigable Canal, from the head of Harlows Creek to Clubfoot Creek.

The Bill to encourage Benjamin Heron Esquire to build a bridge over the North East Branch of Cape Fear River, at or near the place where the Ferry is now kept by Edward Davis.

The Bill to prevent hunting for and killing deer in the manner therein mentioned.

The Bill for facilitating the navigation of Port Bath, Port Roanoke, and Port Beaufort.

The Bill for erecting a convenient building within the Town of New Bern for the residence of the Governor or Commander in Chief for the time being

The Bill to amend and continue an Act, Intituled an Act, for appointing a Militia

The Bill for allowing time for the payment of the duties on Wines and other spiritous liquors.

The Bill for ascertaining the Boundary Line between the Counties of New Hanover and Duplin &c^a.

The Bill to amend an Act, Intituled an Act, for establishing the Titles of the Freeholders in Edenton, for laying a tax begun in the said Town, and the further Improvement and better regulation thereof.

The Bill to establish a school House in the Town of New Bern,

The Bill to amend an Act, Intituled an Act concerning Marriages,

The Bill to amend an Act, Intituled an Act, for rendering more effectual the Laws making Lands and other real Estates liable to the payment of Debts,

The Bill for appointing a Printer to this Province,

The Bill to amend an Act, Intituled an Act, to prevent the exportation of unmerchantable commodities.

The Bill to prevent the Inhabitants of South Carolina driving their stocks of cattle from thence to range and feed in this Province, and other purposes.

The Bill to lay a tax on Pedlars and other Itinerant Traders coming into this Province,

The Bill to impower the Church Wardens and Vestrymen of Saint John's Parish in the County of Bute, to appropriate the surplussage money levied for erecting the public Building in said County, to the use of said Parish of Saint John.

The Bill to prevent the unreasonable destruction of Fish in Neuse River, Tar River, Fishing Creek, Rocky River, &c^a.

The Bill to amend an Act, Intituled an Act, for regulating the pilotage of Cape Fear River and other purposes.

The Bill for reviving and re-enacting the several Acts of Assembly, relating to the Inspection of Tobacco.

The Bill for a further allowance of commissions to Sheriffs and Collectors of Taxes, and other purposes.

The Bill to amend an Act Intituled an Act, for establishing a Town on the Land formerly Granted to William Churton Gentleman, lying on the North side of the Enoe River in the County of Orange.

To which His Excellency was pleased to Assent, Except the Bill for allowing time for the payment of the duty on Wines and Spiritous Liquors, and then made the following Speech, Viz^t

HONORABLE GENTLEMEN, MR SPEAKER, AND GENTLEMEN OF THE HOUSE OF ASSEMBLY.

I cannot close this Session without requesting your acceptance of my very sincere and hearty thanks, for the provisions you have made for the happy establishing of this Government, both by the Public and private Acts now passed

The generous and Honorable attention you have paid to the several matters I have laid before you, Claim equal returns of my acknowledgments; As I am sensible you have gone as far as the weak state of your Public Funds will admit.

I assure you Gentlemen the great Trusts you have reposed in me, strengthens my affectionate regard for the prosperity of this Province, and I shall endeavour to testify the gratitude I feel for such con-

fidence, by a faithful and diligent discharge of the several Services you have committed to my care.

My warmest wishes have been constantly engaged in the Service of my royal Master, and the real Interest of this Colony; and I am happy in the experience this Session has given me, to find, a due dependency on the Crown, and the just Liberties of the subject may be preserved on so equal a Ballance, as to give strength and power to the Throne, and secure happiness and true liberty to the people.

Then the House returned, and Mr Speaker reported the House had waited on his Excellency the Governor with the above mentioned Bills, and that His Excellency had assented to them all (Except the Bill for allowing time for the payments of all the duties on Wine and other spiritous Liquors).

Then the House adjourned till 10 o'clock tomorrow morning.

Tuesday December 2nd 1766

The House met according to adjournment.

The Sergeant at Arms, to whom Mr Speakers warrant was directed, to bring Capt Jeremiah Morgan Commander of his Majesty's Sloop *Hornett*, returned the same in these Words, to wit:

In obedience to the within Warrant, to me directed, I have made diligent search for the within named Captain Morgan, who is not to be found by —

RICHARD BLACKLEDGE, Sergeant at Arms.

Resolved, that James Davis, Printer, be paid the sum of one hundred and ninety pounds, by the Treasurers, out of the Contingent Tax for services heretofore done by him, for the Public.

Resolved the above Resolve be sent to the Council for concurrence, as follows

In the Assembly.

Resolved that James Davis, Printer, be paid the sum of one hundred and ninety pounds, by the Treasurers, out of the contingent Fund, for Services heretofore done by him, for the Public; and desire your Honors Concurrence.

JOHN HARVEY, Sp.

Sent by Mr Person and Col Cogdell,

Rec^d from the Council the above Resolve, Endorsed December 2nd 1766, Concurred with. JOHN RUTHERFORD P.

Rec^d from the Council the following Message, Viz^t.

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

It is with great surprise, we observe your House have refused to concur with this House in the allowance to our Clerk of his extra services this Session, which you think too large, We think each House are best Judges of the allowances to their officers; and as this House did not allow more than at a former Session of shorter continuance than this, and in which the services were not so great, we are at a loss to know for what reasons your disallowance is founded; However, to prevent any disputes, and to conclude this Session amicably, we propose the allowance to our Clerk, for his Extra Services, be reduced to seventy pounds, to which, if you agree, please to make a Resolve accordingly.

Resolved the following Message be sent to the Council, Viz^t.

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

In answer to your Message of this Day, relative to our non concurrence with Mr Burgwin's allowance for his Extra Services; We must inform you, this House cannot agree to allow him the sum proposed by your said Message; But will agree he be allowed fifty pounds, being the sum allowed the Clerk of this House for his Extra Services during this Session. If that sum to Mr Burgwin meet your approbation, please to signify the same to us, and this house will Resolve accordingly.

JOHN HARVEY Sp.

Sent by Mr Cogdell and Mr Harris.

Then the House adjourned till 10 o'clock tomorrow morning

Then His Excellency was pleased, by Proclamation to Prorogue this Assembly —

1767.

[N. C. LETTER BOOK S. P. G.]

Mr Morton to the Secretary

NORTHAMPTON COUNTY January 9th 1767

REVEREND SIR

My last informed you of my going to Northampton County on the Northern Frontier of this province in pursuance of the Governors Direction In this County I have officiated ever since and visited as often as I was able the neighboring Counties and it has pleased providence to Bless my poor endeavours with remarkable success.

I have had a very severe seasoning in so much that I was given over by my Physicians and my life despaired of, but it has pleased God to raise and restore me to a tolerable state of health again.

The sickliness of the Climate and my bad habit of body had almost determined me to leave the Province but that amiable and good Man Governor Tryon who may be justly called the Nursing Father of the Church in this province gave me every encouragement in his power to stay And the good people in order the more effectually to settle me among them have petitioned his Excellency to induct me into St. George's Parish in Northampton County upon which his Excellency has been pleased to induct me into said Parish and has given me encouragement that my mission will be laid there for reasons of utility to the Church which his Excellency himself will acquaint the Honorable Society with—

Having his Excellency's Countenance I have taken the liberty to draw on the society's Treasurer in favor of James Young Esqr for half a years Salary due the 25th day of December last and hope that it will be honored with the usual acceptance

I have baptized within the space of five months last 121 White Children and 38 Black Children and also 3 White and 8 Black Adults after proper Instruction in all 170— And I administered the sacrament of the Lord's Supper on Christmas day to 20 Communicants and have the pleasing prospect of a much greater number at Easter.

Be pleased to lay this with my most dutiful Respects before the Honorable Society and give me leave to assure you that I am with all deference.

Yours &c

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Earl of Shelburne,

BRUNSWICK the 12th January 1767

I am to acquaint your Lordship, the death of Mr Robert Jones late Attorney General of this province who died the 2^d of October was notified to me the 15th of the same month, I immediately disposed of that commission during pleasure to Mr Marmaduke Jones a gentleman of the first credit and capacity in his profession in this country. He acted I am told with distinguished abilities as one of the Justices in the General Court Law, which was repealed in the year 1760, because the Justices were appointed during good behaviour. As I know of no gentleman in this province of better capacity and more diligent than himself or stands so free from any private connection in this country, I beg leave to recommend him to that office. Mr Jones has been resident in this province many years; is about 43 years of age, was educated in England and is cousin to Sir Marmaduke Wyvell.

I take the liberty to inclose a letter I have received from Mr Jones pointing out the real benefit and utility that would arise to the inhabitants of this province as well as the more effectual discharge of the Crown business in the several courts of law by his Majesty's creation of a Solicitor General in this colony: The facts he states I believe to be strictly true and the inconveniences are certainly very evident from the Governor's not having at all times within a reasonable distance of his residence, an officer of the Crown conversant in law matters, a circumstance he is at present deprived of near half the year, on account of the extensive circuits both the Chief Justice and the Attorney General are obliged to take; should his Majesty in his wisdom think proper to create an officer of such rank and title, I will humbly submit the expediency of his Majesty's granting him a salary on the quit rents equal to that of the Attorney Generals, and of obtaining an Act of the Legislature here for allowing him to take the same fees in the Courts he is concerned in for the Crown as the Attorney General is entitled to, in like cases by Act of Assembly passed in April 1748. The several Laws passed last session of Assembly (prorogued the 7th of last month), I expect will be delivered to

me in a few days with the Journals of the Council and Assembly, all which shall be transmitted to you by the first opportunity.

I am &c.

Mr Jones's letter referred to follows.

NEWBERN the 7th January 1767

SIR,

Tho' I have hitherto attended the several Superior Courts which have been held since I had the honor of your Excellency's appointment of Attorney General, and I shall endeavor not to omit any part of the whole circuit, yet from the almost total impracticability of incessant traveling I take the liberty of submitting to your Excellency's consideration, the expediency of recommending to his Majesty, the establishment of a Solicitor General for this province

This office tho' well known in England and the West India Islands and extended I believe to all the new governments, has not yet been erected in this colony, but the utility, or perhaps necessity of such an appointment, is no where more apparent than in an extensive country divided into five districts with a Superior Court in each.

The Circuit directed by act of Assembly your Excellency knows to be, as follows

| | Miles. | |
|-------------------------------|--------|--|
| From Cape Fear to Halifax---- | 170 | held the 1 st March & September |
| Halifax to Salisbury ---- | 200 | 22 March & September |
| Salisbury to Wilmington-- | 260 | 15 April & October |
| Wilmington to Newbern - | 90 | 2 May & November |
| Newbern to Edenton ---- | 90 | 20 May & November |
| Edenton back to Cape Fear | 180 | in June and December |
| | 990 | |

As the Attorney General prepares all indictments and carries on all prosecutions, he is to undertake this circuit twice a year, but the inevitable fatigue of such journeys rendering his attendance very uncertain, the late Act of Assembly has authorized his appointing a deputy for those Courts, at which he happens not to be present himself. The most distant courts will therefore generally be those which an Attorney General may think himself privileged to decline, and as it is not to be expected that any but the younger practisers will act as his deputies, it may be feared that in those courts, criminals

may often evade the justice of the law, and imbolden'd by impunity spread the contagion of vice.

The danger may perhaps be avoided by the appointment of a Solicitor General; the circuit would be divided between the Attorney and him, the Crown business be always the immediate attention of one of them, and the other alternately wait your Excellency's commands.

To the office of Solicitor General no country fees are annexed under the present laws, but as the duty will be equal to the Attorney's I submit to your Excellency the mention of a proper allowance.

The Attorney General at the time of the establishment of his £80 Sterl^s salary had only Wilmington, Newbern and Edenton courts to attend, and the erection of the two back county courts, has sufficiently increased the circuit, to give equal employment to the Solicitor General and still leave the Attorney his original duty.

That I have not made these observations without interested views is a discovery easily made, nor will I deny, that distinguished by your Excellency's appointment, animated by your favorable recommendation, and convinced that the service of the Crown can never have so many attractions, as under your Excellency's administration I please myself with the prospect of enjoying a station in which I may testify my fixed loyalty to his Majesty and the gratefull sense of the honor of subscribing myself with the utmost respect,

Sir, Your Excellency's most obliged and
most obedient humble servant
MARMADUKE JONES.

To His Excellency,
William Tryon Esq.

[FROM MS. RECORDS IN OFFICE OF THE SECRETARY OF STATE.]

COUNCIL JOURNALS.

At a Council held at Wilmington the 23rd day of January 1767

Present

His Excellency the Governor,

The Hon^{ble} { John Rutherford
Lewis H. DeRosset } Esquires
Benjamin Heron }

The Honble Martin Howard Esq produced to the Board His

Majestys Mandamus appointing him Chief Justice of this Province, dated the 29th July 1766 and at the same time qualified by taking the Oaths appointed by Law and subscribing the Test.

Ordered by His Excellency the Governor the following Proclamation be Recorded, (to wit)

By His Excellency William Tryon Esquire Captain General Governor and Commander in Chief in and over the said Province,
A Proclamation.

Whereas a Petition hath been presented to me from the Inhabitants of Brunswick, New Hanover and Onslow Counties, Praying a Prohibition of the Exportation of Indian Corn from Cape Fear River or any port in Onslow County as that Grain is become a scarce commodity.

I therefore think fit by and with the consent of his Majestys Council to prohibit the exportation of Indian Corn or peas from the river of Cape Fear or any other port or ports in Onslow County from this 12th day of February until the twentieth day of April next, and I do strictly forbid all Planters, Merchants and Masters of Vessells from loading or receiving on Board any Indian Corn for exportation from the said River or Ports during the time aforesaid as they shall answer the same at their peril.

Given under my hand and the Great Seal of the said Province at Brunswick the Twelfth day of February Anno Domini 1767 and in the seventh year of his Majestys Reign.

Signed,

WILLIAM TRYON.

By his Excellencys Command,

BENJAMIN HERON Secty.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 15.]

Letter from Captain Dobbs to Governor Tryon

ABERDEEN Jan^y 26th 1767

I lately received your favour acquainting me of His Majesty's Royal instructions to his Governors in America.

As I have no intention of returning to N^o Carolina, I very willingly resign my Seat in Council there. I am Sir &c

EDW^d BRICE DOBBS.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to the Board of Trade

BRUNSWICK the 30th January 1767

I had the honor to receive his Majesty's commands communicated to me in your Lordships letter of the 1st of August 1766 delivered by Mr Chief Justice Howard the 23^d inst directing me to prepare and as soon as possible transmit to your Lordships in order to be laid before the House of Commons in the next Session a particular and exact account of the several manufactures which have been set up and carried on within this colony since the year 1734 and of the public encouragements that have been given thereto

As I may not exactly distinguish the manufactures of this province, I shall first state them in the common acceptation of them, and afterwards insert the rough materials and produce of the country most of which undergo some degree of manual labor.

There are dispersed over this colony more particularly in the northern and western settlements some spinning wheels and looms for the manufacture of cotton, wool and flax, but no greater quantities of stuffs or coarse cloths are made than will supply the respective families in which they are worked; very few indeed make sufficient for their own wear. I have not heard of a piece of woollen or linnen cloth being ever sold that was the manufacture of this province. It is the usage of some families who from poverty or other circumstances have no looms, to send their woollen and linnen yarn to their neighbours to weave. Sheep are not yet become a staple of this country tho' they thrive well here; the wool therefore being very inconsiderable in quantity, is generally mixed with cotton in the manufacture. Cotton grows and flourishes extremely well with us, yet I am told it is not of so long a staple as that of the West Indies. The ship building is not considerable, the largest built vessel not exceeding two hundred tons burden. There are five or six tanners and as many batters in the province tho' none of them of any note. Mechanics for the building of houses and making the implements of husbandry are in common with other colonies, tho' in a lesser degree of perfection: the materials for these purposes excepting timber lime and brick are imported from Great Britain or the northern colonies: Within these few years we have fallen into an immediate trade to

the mother country and I have the pleasure to experience that this province flourishes in proportion to the increase of so natural a direction of its commerce. The saw mills of this country are worth notice, there are indeed few to the northward of this port, but on this river of Cape Fear and on its branches and creeks there are fifty erected and more constructing; chiefly with two saws. Upon a medium each mill is supposed to saw annually one hundred and fifty thousand feet of Board and scantling. * Ton timber is hewed or squared where the timber is fallen; what is not consumed of these articles in the province is exported to the West Indies. These mills are constructed to saw plank of 25 to 30 feet in length. The following my Lord are the rough materials and produce of the colony exported, Viz^t.

Tar, Pitch, Turpentine, Spirits of Turpentine, Rosin, Lumber, Shingles, Staves, Deerskins, Raw Hides, Leather, Beef, Pork, Tallow, Corn, Flour, Pease, Rice, Bees Wax, Myrtle Wax, Tobacco, Indigo, Hemp, Hempseed, Flax, Flaxseed.

No encouragement has been given by the legislature of this province to any manufacture since the year 1734, nor is any public sanction given to those I have mentioned; a bounty is indeed given for the exportation of hemp and flax by act of Assembly passed at Wilmington in 1764 entitled, "An Act for the encouraging the culture of hemp and flax and other purposes," but this may be considered as an encouragement to raise a material for the manufacture of Great Britain

I am &c^a

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Earl of Shelburne

BRUNSWICK 31st January 1767

I have the honor to transmit to your Lordship twenty nine Acts passed the last session of Assembly: I shall make mention of such of them only as I think require further explanation than what is contained either in the preamble or body of the Acts.

The Treasurers Act which appeared to threaten some disagreement in the legislature was settled after some difficulties arising between the Council and the Assembly in the mode of the nomination of the Treasurer; This circumstance is stated in the Journals

of the Council and the Assembly particularly in the address of the Assembly. The latter insisted that the nomination of a Treasurer should take its rise in their house, tho' they do not dispute the Council to have a negative on that nomination as well as the Governor. The Council urge they have an equal right of nomination with the Assembly; this the Assembly have not concurred with; therefore to avoid future contentions in the appointment of the Treasurers I greatly wish to be honored on this material point with his Majesty's commands.

The Act for confirming the Lease made by the Tuscarora Indians to Robert Jones &c, &c appeared to be a necessary step to reimburse the money that was advanced to transport one hundred and fifty five Indians from the Tuscarora tribe settled on the eastern banks of Roanoke river to the Six Nations on Susquehanna river.

The removal of these Indians was effected at the particular request of Sir William Johnson and with the approbation of Mr Stuart, Superintendant of Indian Affairs. This lease is advantageous to the proprietor of the soil, Earl Granville, as it lets him into the immediate receipt of the Quit Rents which he had no claim to while the Indians lived on that land. The sum advanced for the removal of these Indians and the contingencies amounted to near two thousand pounds proclamation money. The remnant of this tribe are one hundred and four, men, women and children and occupy about half the tract of land allotted them by Act of Assembly passed in 1748, a large proportion for their numbers.

The Act for erecting an Edifice for the Governor and his successors was carried by a great majority in the Assembly. The five thousand pounds voted for the house and offices will be short of the expence of erecting them. The public having entrusted this building to my care and management, I have employed Mr Hawks, who came with me out of England to superintend this work in all its branches. He was in the service of Mr Leadbeater. Mr Hawks has contracted to finish the whole in three years from the laying the first brick which I guess will be in May next. He goes soon to Philadelphia to hire able workmen, as this province affords none capable of such an undertaking. I shall send as soon as possible the plan and elevation of this house and offices for his Majesty's approbation. Contracts for essential materials are also made which makes me hope no unnecessary delay will be occasioned from a deficiency of workmen or materials.

An Act entitled "an Act appointing the method of distributing Intestates estates," passed in 1762 having been repealed by order of his Majesty in Council was this last session re-enacted free I hope from former objections.

The Act for establishing a School House at Newbern I must beg leave to observe is the first established in this province by Legislative authority: The master of the school must be of the established church of England and obliged to obtain a licence from the Governor for his qualification.

The Act to amend an Act entitled "An Act, for establishing a Town on the Land formerly granted to William Churton, Gent^e" establishes the Town of Hillsborough in Orange county. This Act will tend much towards the increase of the settlement of that part of the back country, as well as to civilize the inhabitants thereof. Its situation is upon a rich red clay soil on the north bank of the river Eno (a branch of the Neuse river) which divides it from the Occaneechy mountains, distant from the Virginia line twenty five miles. It lies almost central to the towns of Halifax and Salisbury being one hundred miles from each and is one hundred and sixty miles N. W. of Newbern and one hundred and ninety nearly north of Wilmington. Tho' there is at present scarce twenty families inhabitants I am of opinion it will be in the course of a few years the most considerable of any inland town in this province.

The Act to amend an Act entitled "An Act concerning Marriages" has more objects in view than appears on the sight of it. The Marriage Act passed in 1741 to which it has relation entitles every Justice of the Peace to marry by licence. In abuse of this privilege many Justices performed the marriage ceremony without licence first had and obtained and took the fee allowed to the Governor, most generally dividing the spoil between the Justice and the Clerk of the county who gave the bond and certificate. Another tendency of this Act was to prevent the frequent abuses by rascally fellows who travelled thro' the province under the title of ministers of the Presbyterian and other sectaries and who being beggars in conscience as well as in circumstances sought all opportunities to perform that sacred office to the great prejudice of the country. It is also to be observed most of the justices in the back or western settlements are Presbyterians, who by the Act of 1741 had the power to marry by licence: Therefore upon the whole I do not conceive the allowing the Presbyterian ministers the privilege to marry in their usual and

accustomed manner can be of any real prejudice to the established Church especially as the marriage fee is reserved to the ministers of the parish; and the licence to be granted under the hand and seal of the Governor, this last provision prevents the former abuses in the application of the fee collected. The Act also provides a summary and effectual method for the Governor to oblige the county court clerks to account for the fees due to him: a recovery tho' an equitable one, was never yet secured but in temporary laws.

An Act to amend an Act entitled an Act for rendering more effectual the laws making lands and other real estates liable to the payment of debts was framed for the present relief of the distresses of the inhabitants occasioned in some measure for want of a larger medium of trade: I must desire leave to refer your Lordship to the petition of the inhabitants of Pasquotank county mentioned in the Journals of the Assembly page 55; this will shew your Lordship the distresses of that county; a distress similar tho' in a lesser degree to many other counties in the province. The currency of the country is less than seventy thousand pounds proclamation money, whereas in the opinion of the merchants and traders, two hundred thousand pounds would be barely sufficient for the circulating medium of this province under the present increasing state of its commerce. The taxes paid into the Treasurers hands by the Sheriffs, partly thro' neglect and embezzlement of the Sheriffs and partly from deficiency of specie and paper currency does not amount to more than one third of the tax levied on the taxable persons. The Receiver General of the Quit Rents has assured me the inhabitants in his Majestys district of the province have not money to pay the Quit Rents. As the duration of the last mentioned Act is only for one year, I should be glad, before its expiration, to receive his Majesty's commands how far in his wisdom these distresses may be alleviated if not wholly removed. The above considerations my Lord are all that appear to me to be necessary to mention on the subject of the Acts inclosed.

Your Lordship will herewith receive a Bill that passed the Assembly and the Council, entitled "An Act for allowing time for the payment of the duties on wines and spirituous liquors."

The country duties laid upon wines and spirituous liquors imported into the several ports of this province are six pence per gallon and one penny extraordinary duty on the imports into Neuse river for the purpose of the support of the school at Newbern.

The receipt of these duties are at present the only revenue the public can depend upon [with] any degree of punctuality in point of payment; Whereas should the merchants be allowed three months credit on their giving bond and security it would open a door for many law suits, as most of the small traders and many considerable merchants would possibly rather have their bonds put in suit, at the expiration of three months; than pay the duties; By the delays of the courts at law it might be two years before the public could get into possession this branch of its revenue; It would likewise have been the indirect means of shutting out the importation of some specie which is frequently brought in by order of the merchants to pay the country duties; an usage that would be rarely practiced if the merchants had three months or in fact two years credit; Besides as 4^d of the six pence duty is appropriated to sink the paper currency I thought it injurious to the public to retard the abolition of a currency at present so nicely counterfeited that few can distinguish the true from the false. Upon these principles my Lords I rejected the bill

I am &c

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Earl of Shelburne

BRUNSWICK 2^d February 1767.

On my return from Newbern to Brunswick I found Mr Howard at Wilmington the 23^d of last month: He delivered me his Majesty's warrant appointing him Chief Justice of this Province, in virtue of which I immediately issued a commission for that office under the seal of the province. The same day he qualified in Council by taking the oaths required. He sets out next week for his circuit.

I have the honor &c^a

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Earl of Shelburne

BRUNSWICK the 2^d of February 1767.

I have the honor to transmit to your Lordship the Journals of the House of the last session of Assembly. The Address of the House to my

speech was unmerited and undeserved at my hands, however as I was concious from the great indulgence shewn by his Majesty and the Parliament to the colonies, on a late occasion, a proper termination of these disturbances would be most agreeable to his Majesty; I own I framed my reply to that Address very different from my sensations on the receipt of it. The bias that this reply gave to the course of the business thro' the session inclines me to hope my conduct on that crisis was not greatly culpable. The proceedings of the Journals are so explanatory that they leave me no observations unless it is on the conduct of Capt Morgan. He came from Cape Lookout up to Newbern, as it is supposed to receive satisfaction of Mr Maurice Moore a member of the Assembly with whom in a scuffle he had with him at Brunswick in the year 1764, had his arm broke: soon after his arrival at Newbern he sent to Mr Moore to meet him under the Court House; an appointment Mr Moore refused with his reasons: A few days after this, without the least countenance or protection given to Mr Moore by the Assembly on this occasion, Capt Morgan addressed almost the whole body of the Assembly as they were returning from the House in the manner specified in the Journals. Capt Morgan on hearing the members were highly displeased with his conduct went on board the cutter or tender he came up in, and fell down the river to his ship. This latter part of his conduct relieved me from a dilemma I might have been under, had he been taken into custody. He has taken a vessel that was bound to Edenton with foreign rum and sugar, which has been condemned by the court of Admiralty at Newbern. He has certainly been of service in preventing the commerce of smuggling but his conduct on the whole reflects no honor to his Majesty's service.

The line that is to be run this spring between the Cherokee Hunting Grounds and the western settlements of this province, I have some intentions of attending myself if my health permits. Every other trust and duty committed to my direction, I shall execute to the utmost of my abilities.

I am &c.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to The Honorable Commissioners for managing his Majesty's Stamp Duties.

BRUNSWICK the 3^d February 1767

Mr Gray Cooper in his letter dated the 5th May 1766 received the 1st of November last acquainted me he was directed by the Lords Commissioners of his Majesty's Treasury to require me to send to the Commissioners for managing his Majesty's Stamp Duties in Great Britain such stamp paper as remained in my custody or power, I have therefore ordered the Captain of Johnston's fort, to deliver on board the *Hazard*, Thomas Potts, Master, bound for London, one bale of Stamp papers which was brought into this port by the *Diligence* Sloop of War from Virginia. The bale was opened during the disturbances to see if it contained any particular instructions for the Distributor of the Stamps, but believe nothing was taken out of it but two Acts of Parliament.

I am &c

NOTE.—Capt Robert Howe sent the Commissioners under a blank cover, a Bill of Loading of four boxes of Stamp Paper shipt in the *Hazard* Capt Potts to London, by whom the above letter went.

[B. P. R. O. No. CAROLINA. B. T. VOL. 15.]

AT THE COURT AT S^t JAMES'S
the 13: day of February 1767

Present

The Kings most Excellent Majesty in Council.

WHEREAS there was this day read at the Board, the Memorial of James Murray Esq^r of North Carolina, setting forth that the Memorialist has for many Years been a Member of His Majestys Council for the Province of North Carolina, and he always discharged his Duty faithfully; that in the List of the Council for the said Province, lately transmitted to Governor Tryon, the Memorialists name is omitted, which the Memorialist is informed happened by mistake in

writing out the List; And therefore humbly praying, that His Majesty will be graciously pleased to order him to be restored to his Rank and place in the said Council — His Majesty taking the said Memorial into consideration, is hereby pleased, with the advice of His Privy Council, to Order that the said James Murray Esq^{re} be restored to the Rank and place he formerly held in his Majesty's said Council of the Province of North Carolina — Whereof the Governor or Commander in Chief of His Majestys said Province of North Carolina, for the time being, and all others whom it may concern, are to take notice and Govern themselves accordingly.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to John Stuart Superintendent &c at Ch^s Town

Brunswick 16th February 1767.

I herewith transmit to you abstracts from the Journals of the last General Assembly of the Province held at Newbern, relative to the measures you represented to be necessary for satisfying the Cherokee Indians in running a western line between this colony and the Cherokee Indian hunting grounds; On my return to Brunswick the 23^d of last month I found your letter of the 16th December left by Capt Gordon, this gave me the first intelligence of the cause of the Cherokees not meeting to run the said line agreeable to their appointment. The express you mention to have been sent by Mr Cameron never arrived to me. By the Earl of Shelburnes letter you inclosed I find the government at home seems greatly apprehensive of a rupture with the Indians and highly displeased at the encroachments that have been made by some of the colonies on the Indian lands. That all possible justice may be done the Indians on the western settlement of this province I myself purpose to accompany the commissioners appointed by Act of Assembly to run the said line. I must therefore desire you will fix the 16th of May next for some Indian chiefs to meet me at Salisbury from whence we will proceed to the westward to run the said line. I hope your affairs will permit you to pay the visit you have so repeatedly promised me at Brunswick and from thence accompany me on this service. Lest the Cherokee Chiefs may have any apprehensions in

passing thro' the settlements to Salisbury, I inclose you a pass for them under the great seal of the province; If this should not be satisfactory I will even meet them further to the westward. My reasons for fixing the 16th of May next for the rendezvous are that, it may not interfere with the Court of Claims to be held at Wilmington the middle of April, or the General Assembly prorogued to the first week in June next. The request you make me to give licences to Indian traders, and subject them to your regulations would be ineffectual without the sanction of a law to compel them to an obedience of such regulations, tho' I do not know of any Indian traders belonging to this province, yet if you will draw out a plan for the conduct and behaviour of Indian traders as you think will answer the ends proposed, I will most readily lay it before the next General Assembly for their concurrence and support.

I am &c

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Samuel Wyley, Esq, Charles Town

BRUNSWICK 17th February 1767.

Your letter with the plan of the survey you made of the Catawba lands was delivered to me two days after I prorogued the Assembly of the 2^d of December last; I now transmit to you an abstract of the Journals of the said Assembly which will not only shew the steps I took in your behalf in consequence of the letters from the Earl of Halifax and the Lords Commissioners of Trade and Plantations, but also the resolution of the House of Assembly: Thus, Sir, you will be informed I have not been unmindful of the claim you have made on this province[which] I imagine will be allowed you when the Commissioners have reported what [will be] the conduct of the Assembly of South Carolina in this affair.

I am &c,

[B. P. R. O. AM. & WEST IND. VOL. 214.]

Letter from Earl of Shelburne to Governor Tryon

WHITEHALL Feb^y 19th 1767.

SIR,

The violences committed several Months ago by the back Settlers

of Virginia and North Carolina, particularly the former, against the Indians were very displeasing to the King; and his Majesty has been more highly displeased to hear that actual Hostilities have been commenced against the Creeks in the Province of West Florida; seeing that the Prosperity of the american Colonies, particularly their back Counties, depends so much on cultivating the Friendship of the Indian Tribes; it is unaccountable that the Inhabitants of the back Settlements can be so blind to their own Interest, as not to seize every opportunity of conciliating the affections of these People; but while the Indian Traders alarm their Minds with Fears of Exterpation on the one Hand, and the Colonists commit repeated outrages against them on the other, it could not be matter of surprise, if they behaved much worse than they do.

The most positive Orders are sent to Lieu^t Governor Browne, who succeeds Governor Johnstone in West Florida till another Governor can be sent out, to put an immediate Stop to all Hostilities against the Indians, and to change the Policy regarding them as quickly as a proper Regard and appearance of Consistency will allow. The Superintend^t of Indian Affairs, and the Governors of the different Provinces are written to upon the same subject: and His Majesty confiding in the Prudence and vigilance of these officers, trusts and requires, that each will act to the utmost of his abilities in restoring Peace and Concord, and in healing all Differences between the Indians in general, and His N^o American Subjects,

The Situation of Fort Johnson will be taken into consideration: Mr Murray who was left out of the Council by an omission in your Instructions, has been restored to his seat in consequence of your Letter of 2^d August, to the Board of Trade.

I am &c^a

SHELBURNE

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Peter Timothy, Esquire, Deputy Post Master General for the Southern District at Charles Town

BRUNSWICK the 20th February 1767.

Your letter of the 4th July last acquainting me the General Post Office in the Southern Department having been left under your direction on Mr Baron's return home, I send you inclosed an abstract

of the Journals of the General Assembly held at Newbern in November last by which you will see that this province has given me a vote of credit of £133.6.8. procl^a money towards carrying on a Post thro' this province when established agreeable to the route inserted in the abstract. I have obtained a promise from several persons settled on the post road to convey the general post to and from Suffolk in Virginia and the Boundary House between the two Carolinas on the same terms the post on the northward road is established. If therefore you have any authority and sufficient fund to set on foot a General Post from Charles Town to Virginia, if you will let me know your powers and intentions, I will transmit to you the names of the people with their situation, and distance from each other, that would be necessary to be employed to facilitate this essential service, the necessity of which the commercial interest of this colony daily experiences.

I am &c.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to the Board of Trade

BRUNSWICK the 22^d February 1767

As in the letter I have the honor to transmit to your Lordships with this, mention is made of the saw mills constructed in this province, and which constitute a very considerable article in the exports of this river I judge it will not be thought foreign to the purpose to take notice of the timber that is sawed in these mills: At present scarce any is brought to them but the pine. The yellow and pitch pine here is esteemed equal to any on the continent and vastly superior to that of New England in closeness of texture, weight and durableness and will sell for one fourth more than the northward pine when carried to the West India markets. I sent some of the plank to Mr Hughes Commissioner of the Dock Yard at Portsmouth; the copy of his letter inclosed will certify the examination it underwent, and the report that was made upon that survey. Tho' the present mills will not allow of plank or scantling exceeding thirty feet and few above twenty five owing to the difficulty of raising a greater length of timber upon the stages of the mills; yet the pine trees will allow planks forty to fifty feet in length which could be sawed by hand in this country in any quan-

tity. Here is other good pine timber but none like the yellow and pitch pine for duration. It is the received opinion in this part of the world that the yellow and pitch pine is admirable for ships decks or any works under water. It is my duty therefore to state for his Majesty's information the particular qualities of so valuable a produce of his colony of North Carolina. The present bounty granted by Act of Parliament for the importation of plank and ton timber into Great Britain from the colonies not being found sufficient to answer the expence of the freight of it from this colony, I have made an estimate of the bounties that appear to be necessary to open a channel for the above valuable produce to the mother country; a produce not the least among its valuable naval stores. For all sawed boards and scantlings, both clear of sap from 12 to 30 feet in length, the boards from 10 to 12 inches wide, thirty five shillings per thousand feet, superficial measure. All boards from 30 feet and any greater length, 8 to 12 inches wide, forty shillings per thousand feet superficial measure and so in proportion to its thickness: For square or round timber, 10 shillings per ton, 40 solid feet to the ton. The freight from this province to Great Britain for all lumber is from four to five pounds sterling per thousand feet, and for square or round timber forty shillings per ton. I mention the round timber on account of the great service it might be for the water pipes in lieu of elm. The cypress tree seems to me to be admirably calculated for this purpose, it grows from 70 to 90 and 100 feet in stem, clear of a branch or knot, and on a medium, its diameter will meet from 3 feet to 4 feet 6 inches clear of sap. It bores very well and endures wet and dry better than any wood except the cedar. It is troublesome to get out of the swamps and marshes, its natural situation, but for quantity there is sufficient to supply all the conduit pipes in London. It is of so clean a nature as to give no taste to water. Shingles are made from this timber, and it is to be observed if carefully placed on a building will endure from thirty to forty years in this hot and wet climate. Many are of opinion the cypress would make good masts for ships; when first cut it is heavy, but when seasoned, lighter than pine and of a very tough texture. If these conditions should meet with the success I wish them his Majesty will experience his province to encrease as rapidly in its commerce as it does at present in its inhabitants.

I am &c^a.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to the Earl of Shelburne

BRUNSWICK 23^d February 1767

I have the honor to transmit to your Lordship the plan and elevation of the edifice with the offices to be erected at Newbern by virtue of an Act passed by last General Assembly of this province. The expence of finishing this building in the plainest manner is estimated at ten thousand pounds sterling, I shall therefore at present order only the body of the house to be constructed and defer going upon building the offices till the General Assembly grants a further supply, which I have reason to believe is the intention of the public.

The cellars will be under the north front of the house with a seven feet pitch, three feet three inches of which will be below the surface of the ground, The apartments of one pair of stairs in the right wing of offices are intended for servants chambers, and a laundry and in the left wing for a granary and hay loft.

Your Lordship will please to do me the honor to lay before his Majesty the plan and elevation of this edifice for his royal judgment and direction.

I am with all possible respect &c.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to the Earl of Shelburne.

BRUNSWICK 27th February 1767.

I have the honor to transmit to your Lordship the List of Patents granted in the Court of Claims held in this province in September 1766 which are the grants of lands for one year. The Court of Claims I intended to hold ordinarily twice a year, but the distractions and interruptions to public business occasioned by the colonies rejecting the execution of the Act of Parliament laying certain stamp duties in America have prevented my holding the court agreeable to that intention.

I am with the greatest respect &c

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Earl of Shelburne.

BRUNSWICK the 7th of March 1767. -

The mode of the appointment of the Treasurers of this province being a subject on which the Council and Assembly have frequently contended for, I have in my dispatches of the second of February stated the case, referring your Lordships to the Journals of the Council and Assembly for a full explanation of the points each insist upon, These I hope may be determined by his Majesty's wisdom.

Upon looking over the laws of the province I find the Superior Court law passed in 1762 expires the end of the next session of Assembly: This law by the eleventh article gave the appointment of the County Court Clerks to the Clerk of the Pleas, and directs that the clerks should hold their office during good behaviour. This in a great measure renders them independent of government, and makes them very remiss and neglectful in sending to the Governor or Secretary's office any information necessary to be required and obtained. I am apprehensive it will almost be impracticable to get the Assembly to pass a Bill giving the Clerk of the Pleas the appointment of the county clerks during pleasure; therefore if this should be found impossible to be obtained, I would recommend that the appointment of the said clerks should revert to the Secretary who had the appointing of them during pleasure before the office of Clerk of the Pleas was separated from his commission: I would also submit if they should not be appointed with the approbation of the Governor, and their commission to issue under the great seal of the province

The County Court Clerk holds an office of trust and importance and necessarily requires an intimate connection with the government. I therefore extremely wish to receive his Majesty's commands to guide my judgment in a matter of this consequence

It is probable I shall further prorogue the Assembly to the end of summer

I am &c

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

May it please your Excell^{ty}

SIR

I'm informed by Mr Henry McCulloh that he is to give you a Bond of a Considerable Sum. I am Willing to be his Security for any Sum my Estate is worth, and this Shall oblige me to sign any Bond that he may leave in your Excellency's hand (perfected by him) as his Security when I have the pleasure of meeting you next at Newbern; and am with truth may it please your Excel^{ty}

Your Excellency's Most Dutyfull Hum^{ble} Serv^t

ALEX^r McCULLOCH

HALIFAX March 21. 1767

To the Hon^{ble} Alex McCulloch —

SIR

You are required agreeable to the above Letter to sign the Bond in the Possession of the Receiver General, as Security for Henry Eustace McCulloh Esq^r — By His Excellency's Command Council Chamber 24th April 1767

BEN^d HERON Sec

To His Excellency William Tryon Esq^r

[FROM THE ROWAN COUNTY COURT RECORDS.]

NORTH CAROLINA }
Salisbury, to wit, }

At a Superior Court of Justice Begun & held at the town of Salisbury for the District of Salisbury, this the 23rd day of March in the year of our Lord one thousand seven hundred & sixty seven, Before the Hon. Edmund Fanning Esq Assistant Justice for the District of Salisbury aforesaid,

Present

Edmund Fanning Esq, A. J.

* * * * *

William Hooper Esq, produced his deputation from Marmaduke Jones Esq Attorney General, deputing him the said William Hooper, Deputy Attorney General for the District of Salisbury, who took the oaths &c,

[FROM TRYON'S LETTER BOOK]

Letter from Governor Tryon to Earl of Shelburne.

BRUNSWICK the 28th March 1767.

As the Panther of this continent I am told has never been imported into Europe, and as it is the King of the American forests, I presume to send a male panther under your Lordships patronage to be presented for his Majesty's acceptance. He is six months old; I have had him four months, by constantly handling he is become perfectly tame and familiar: When full grown his coat will much resemble that of the lioness. Panthers have been killed (for it is very uncommon to catch them alive) ten feet in length from the nose to the end of the tail. I am very solicitous for his safe arrival, as I am ambitious that he may be permitted to add to his Majesty's collection of wild beasts

I am &c

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Lord Barrington, Secretary at War

BRUNSWICK the 11th April 1767

I am honored with the receipt of the duplicate of your Lordship's letter bearing date the 12th of November last wherein you acquaint me you cannot learn that Capt Dalrymple's appointment to be Captain and Commander of Johnston's Fort has ever gone thro' your office. As in my letter of the 29th July 1766 I mentioned Capt Dalrymple, held his command under his Majesty, I have now the honor to transmit to you his original commission at the same time requesting your Lordship's good offices for Mr Robert Howe succeeding to the above command.

I am &c

[FROM MS. RECORDS IN OFFICE OF THE SECRETARY OF STATE.]

COUNCIL JOURNALS.

At a Council held at Wilmington the 15th April 1767

Present

| | | |
|------------------------------|---------------------|----------------|
| His Excellency the Governor, | | |
| The Hon ^{ble} | { Lewis DeRosset | William Dry |
| | { John Sampson | Robert Palmer |
| | { Henry E. McCulloh | Benjamin Heron |
| | | } Esquires |

His Excellency communicated to this Board his several letters of correspondence with Mr Stuart the Superintendent of Indian Affairs received since the setting of the last [session] of Assembly and proposed from the importance of the service of running the dividing Line between the Western Frontiers of this Province, and the Cherokee Hunting Grounds to be present himself at the same, and therefore desired the opinion of this Board of the expediency of his intentions, upon which it is unanimously the opinion of this Board, That His Excellencys presence on this Service will be attended with many great advantages and is justly to be considered as a strong proof of his attention to the Interests of the province.

Then His Excellency took the opinion of this Board whether the General Assembly of this Province, which now stands prorogued to the 8th day of June next, should not be prorogued to a longer day as His Excellency knows of no business that necessarily required their attendance at that time. The same being taken into consideration it is the unanimous advice of this Board, that the said Assembly be prorogued to Wednesday the 2^d day of December, Ordered that a proclamation issue accordingly to wit

* NORTH CAROLINA.

By His Excellency William Tryon Esq &c
A Proclamation.

Whereas the General Assembly of this Province stands prorogued to the eighth day of June next, I have thought proper, by and with the Advice and consent of his Majestys Council, further to prorogue

the said Assembly, until Wednesday the second day of December next; then to meet at Newbern, for the dispatch of Publick business.

Given under my hand and the Great Seal of the said Province at Wilmington this 16th day of April 1767.

Signed,

WILLIAM TRYON.

By his Excellencys Command,

BENJAMIN HERON Secty.

[B. P. R. O. AMERICA AND WEST INDIES, VOL. 270.]

Letter from the Board of Trade to Secretary Lord Shelburne

WHITEHALL April 16th 1767.

MY LORD,

In obedience to His Majesty's Commands signified to us in your Lordship's letter of the 9th instant, we herewith inclose to your Lordship a report of the Civil Establishments of the Governors, Judges and other Officers principally concerned in the administration of Justice in the several Colonies of North America, as far as can be collected from the materials in this Office

We are &c^a

CLARE

LOANE JENYNS

THOMAS ROBINSON

W^m FITZHERBERT.

NORTH CAROLINA

The establishment in North Carolina, consists of a Governor, Chief Justice, five Associate Judges and an Attorney General

The Governor, Chief Justice and Attorney General are appointed from home; the Associate Judges are appointed by the Governor.

The salary of the Governor is £1000 p ann: paid here in England out of the revenue of four and a half per cent payable on the produce of Barbadoes and the Seaward Islands exported.

The Chief Justice has a salary of £70 per annum, and the Attorney General of £80 per annum payable by Treasury Warrant out of the Quit Rents on Lands of North Carolina, and by an Act of that Province passed in the year 1762, the Chief Justice, the Associate Judges, and the Attorney General are to receive out of the Provincial Treasury

certain allowances for holding the several Courts established by that Act in the five districts, into which that Colony is divided.

The annual amount of these allowances is to the Chief Justice about £150 and about half that sum to each of the Associate Judges, and to the Attorney General; but the Law that makes this Provision is temporary, and continued from time to time at the Discretion of the Assembly.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Lord Charles Greville Montagu,
Governor of South Carolina

WILMINGTON 16th April 1767.

This day I communicated to his Majesty's Council of this Province my intentions of being present at running the line between the western frontiers of this province and the Cherokee hunting grounds. I have fixed the 16th of next month for the Cherokees to meet me at Salisbury in Rowan County from whence we shall go to the westward to run the said line. By a late letter I received from Mr Stuart I am flattered with the prospect of seeing your Lordship on the northern frontiers of South Carolina: This expectation gives me a particular pleasure as I have reason to believe your Lordship will join with me in opinion of the expediency of continuing (a west course) the dividing line run in virtue of his Majesty's instructions in 1763 till it intersects the dividing line above mentioned: This I presume may be done with great propriety, subject to his Majesty's pleasure, as for want of extending the said temporary boundary line between the two Carolinas, some hundred of settlers not only refuse paying any taxes but evade the jurisdiction of both governments. If I should not see your Lordship on the frontiers at the time I am to be there I shall be ready to appoint two commissioners to meet any two your Lordship may appoint to extend this west line from where it stopt in 1763 till it cuts the line to be run from Reedy river a north course to the mountains. Deputy surveyors would I imagine be persons of sufficient character for this service. I expect Mr Stuart will meet me in the back country next month, A line from your Lordship on this subject by the return of the Cape Fear Pilot Boat will oblige.

Your Lordship's most obedient &c.

[FROM MS. RECORDS IN OFFICE OF THE SECRETARY OF STATE.]

COUNCIL JOURNALS.

At a Council held at Wilmington 22^d April 1767.

Present

His Excellency the Governor.

| | | | | | |
|------------|---|-----------------|----------------|---|----------|
| The Honble | { | James Hasell | William Dry | } | Esquires |
| | | John Rutherford | Robert Palmer | | |
| | | Lewis DeRosset | and | | |
| | | John Sampson | Benjamin Heron | | |

Ordered that a new Commission and *Dedimus* issue for the County of Bladen, and that Mr Robert Shaw be inserted in his proper place as a Justice of the said County.

Ordered that a New Commission of peace and *Dedimus* issue for the County of Cumberland, according to the list returned to the Secretarys Office.

Read and passed sundry Warrants from N^o 542 to 688 inclusive except 564 not passed. Read and passed Sundry Patents from N^o 1 to N^o 47 inclusive

At a Council held at Wilmington 23rd April 1767.

Present

His Excellency the Governor.

| | | | | | |
|------------|---|-----------------|----------------|---|----------|
| The Honble | { | John Rutherford | Robert Palmer | } | Esquires |
| | | Lewis DeRosset | William Dry & | | |
| | | John Sampson | Benjamin Heron | | |

His Excellency communicated to this Board a Letter from the Earl of Shelburne his Majestys Principal Secretary of State, dated Whitehall December 11th 1766, Viz^t

N^o 1.
SIR.

WHITEHALL 11 Decm^r 1766

I am to signify to you His Majestys pleasure that you will with as much dispatch as may be, transmit to me for His Majestys information, an exact estimate of the annual charge of maintaining and supporting the entire establishment of His Majestys Colony of North Carolina, distinguishing the different Funds, and the different service to which those Funds are appropriated, You will be very

particular in specifying what Funds are fixed and regular, from those which are annually granted or which expire in a given time. It is also His Majestys pleasure that you Transmit to me at the same time a full and clear account of the manner of imposing Quit Rents, and of levying them as also the mode of granting Lands in your Colony—specifying the amount of Arrears of Quit Rents and the number of Grants hitherto made, and to whom, how many acres to each, and at what time the grants have been made.

I am with Great Truth and Regard Sir—Your most Obed^t Hble Servant

SHELBURNE.

Then His Excellency required that the Secretary, Receiver General and Surveyor General now present, do in their several Departments furnish him with the Requisitions in the said letter directed.

The Secretary laid before his Excellency the inconveniency and irregularity attending his office from being constantly open and for want of proper hours being appointed for their doing business. Ordered, that the Clerks attend in the said Office from nine to Twelve in the morning and from two to five in the afternoon, on which hours the Clerks are Ordered punctually to attend daily Sunday and Holidays excepted.

His Excellency at the request of John Wentworth Esq. laid before this Board his Majestys Commission bearing date the 16th July 1766 appointing him the said John Wentworth Esq. Surveyor General of all and singular His Majestys Woods within all and every His Majestys Colonies and Plantations on the Continent of America &c. Ordered That a proclamation issue, notifying the same, and requiring the aid and assistance of all officers, Civil and Military, to promote and encourage the due execution thereof Viz^t

NORTH CAROLINA—Ss.

By His Excellency William Tryon Esquire &c.

A PROCLAMATION,

Whereas His Majesty hath been pleased to appoint the Honble John Wentworth Esq. Surveyor General of all and singular His Majestys Woods upon the Continent of North America, and as the said John Wentworth Esq. hath applied to me to afford him the aid and Assistance of the Authority of this Province, to enable him to

carry into Execution the power in the said Commission granted to him,

I do therefore by and with the consent of His Majestys Council require and command all Officers Civil and Military within this Province to be aiding and assisting, and to encourage and promote the said John Wentworth Esq his deputy or deputys in the Execution of the said Commission,

Given under my hand and the Great Seal of the Province &c

At a Council held at Wilmington 24th April 1767.

Present

His Excellency the Governor.

| | | | | |
|------------|---|-------------------|-------------------|------------|
| The Honble | { | James Hasell | Henry E. McCulloh | } Esquires |
| | | John Rutherford | William Dry | |
| | | Lewis H. DeRosset | Robert Palmer | |
| | | John Sampson | Benjamin Heron | |
| | | | | |

In consequence of an Order in Council passed at Newbern the 29th day of November 1766, Returns were produced of the Number of white persons settled on the 25th of March 1760 on two Tracts of Land respectively belonging to George Augustus Selwyn Esq. containing 100,000 Acres each and known by the name of the Tracts N^o 1 and N^o 3, which Returns being duly made and certified, His Excellency was pleased to Order to be inserted in these Journals as follows (and the Originals to be lodged in the Secretarys Office).

NORTH CAROLINA.

In pursuance to an order in Council passed at Newbern on the 29th day of November 1766 thereby authorizing and empowering Col^o Nathaniel Alexander of Mecklenburgh County and John Frohock of Rowan County to take an Account of the number of white persons settled and resident on a tract of land belonging to George Augustus Selwyn and known by his tract N^o 1 and to make return thereof &c

"We Nathaniel Alexander and John Frohock do make Oath that we are well acquainted with the said Tract of Land of 100,000 Acres and known by the name of Mr. Selwyns Tract N^o 1 and the Inhabitants thereon for this many years past, and to the best of our knowledge and from the best information we have received, or could get, there was resident on the said Tract without Fraud, on or about the

25th day of March 1760 eighteen white persons. In testimony we have hereunto set our hands and seals this 3^d day of March.

JOHN FROHOCK [Seal]

NATH ALEXANDER [Seal]

Sworn before me the Subscriber a Justice of the Peace for the County of Mecklenburgh the 3^d day of March 1767.

THOS POLK

NORTH CAROLINA }
Mecklenburgh County }

We the Subscribers Nathaniel Alexander and John Frohock in pursuance to an order in Council passed by His Excellency the Governor at Newbern the 29th day of November last do hereby certify upon our Oaths, that to the best of our knowledge, and for the best information we could get, there was actually settled and resident without Fraud on a Tract of Land belonging to George Augustus Selwyn lying in Mecklenburgh County containing 100,000 Acres and known by the name of the Tract Number three, Two hundred and forty white persons on or about the 25th day of March 1760, and We further certify that we now are, and have for many years past, been well acquainted with the said Lands and the Settlers thereon. In testimony whereof we have hereunto set our hands and seals this 27th day of January in the year of our Lord 1767.

NATHANIEL ALEXANDER [Seal]

JOHN FROHOCK [Seal]

Sworn before me this 27th Jan 1767

THOS POLK

The Seventy Seventh Article of his Excellency's Instructions relative to taking possession of the Lands forfeited by Henry E M^cCulloh Esq and his associates was then read, and also the Opinion of the Attorney General relative to the propriety of the Crown's accepting a surrender of such forfeited Lands from the Grantees which opinion is in the following words,

SIR,

"In obedience to your Excellency's Order in Council, hereto annexed — I have considered the several matters therein mentioned, and have the honor of presenting my opinion thereon. That the surrender may in this Case be properly accepted here.

"The doubt of surrenders being admissable in America seems to me to exist in those Cases where they are made without any previous direction from the Crown, but in the present Instance by His Majestys express instruction to your Excellency, the Royal Intention is plainly declared that these Lands shall be actually resumed.

"To resume necessarily implies a right of accepting a Surrender, because the Surrender is nothing more than the concurrence of the Grantees to carry the Instruction into Execution, and is the most immediate way of doing it

"The lapse of these Lands is a matter depending on the Number of Settlers, which can in no way be made more evident, than by the admission of the Grantees themselves. The Surrender therefore fortifies the right of the Crown, and is in my opinion, the quickest and most certain way of resuming the land in question"

I have the honor to subscribe myself &c. &c.

MARMADUKE JONES

Wilmington April 15th 1767

To His Excellency William Tryon Esq.

In pursuance of which Henry Eustace M'Culloh in behalf of himself and his brother James, and his Sister Penelope M'Culloh deceased and as Attorney for Henry M'Culloh and George Augustus Selwyn Esquires applied to be admitted to execute deeds of Surrender of the Several large Grants held by them within His Majestys division of this province by patents dated 3^d March 1745, With exception of such parts only as they may have deeded or reserved in right of the settlement effected. To which His Excellency by and with the advice and consent of the Council was pleased to give his Assent, and the deeds of surrender were accordingly produced by Mr Attorney General, as prepared and revised by him, and after having been duly read and examined were severally executed in due form of Law, in the presence of his Excellency in Council, by the said Henry E. M'Culloh in his own right and as Attorney for the said Henry M'Culloh and George Augustus Selwyn as aforesaid.

His Excellency was then pleased to direct that the said deeds of surrender when acknowledged, should be lodged and recorded in the Secretary's Office of this province, and also that Authentic Transcripts thereof should be prepared in order to be transmitted home.

The said Henry Eustace M'Culloh afterwards executed a Bond with two Securities in the Sum of ten thousand pounds proclama-

tion money conditioned to be subject to the payment of Quit Rents for the Lands so afore surrendered, from the 25th of March 1760, to the date of the surrender, or to perform and fulfil such other order as His Majesty in Council should think proper to make in relation thereto, which Bond was directed to be recorded in the Secretary's Office, and afterwards Lodged with the Receiver General.

The Attorney General was also directed to prepare a deed of Surrender from John Campbell Esqr one of the Associates in Interest with the said Henry McCulloh.

Then the said Henry Eustace McCulloh, represented to His Excellency, that he had received leave of absence for twelve months as collector of port Roanoke from the Honble the Commissioners of His Majestys Customs, by letters dated 18th March 1766, And prayed His Excellencys leave of absence for that Term as a Member of Council — which leave his Excellency was pleased to grant accordingly.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Peter DeLancy Post Master General for Southern District

WILMINGTON 24th April 1767

Agreeable to your desire I enclose you a list of the persons who reside on the road the General Post is intended to be conveyed through this province and who in general have promised to forward it on the same terms as are allowed to those concerned in forwarding the Post thro' the northern colonies, Viz^t.

Miles.

| | |
|--|----|
| Mr Mathew Brickell (4 miles on the west side of Cotton's Ferry) | |
| from Suffolk | 39 |
| Mrs Taylor's, Appletree Ferry | 30 |
| Mr Salter's, on Tar River | 35 |
| Mr James Davis, Printer at Newbern | 38 |
| Mrs Warburton's | 26 |
| Mr Snead, on New River | 26 |
| Mr Sage | 13 |
| at Wilmington | 29 |
| Mr W ^m Hill, or Mr W ^m Lord at Brunswick | 17 |
| Mr Charles Ross near the Boundary House | 42 |

I should recommend that the mail should be opened at four places only in this colony, Viz^t, first at Mr Brickells for the conveniencing of the towns of Edenton and Halifax, second at Newbern, third at Wilmington, fourth at Brunswick.

The hurry of my present business occasioned by the Court of Claims prevent my writing to the above mentioned persons on this subject, but I am persuaded they will be very ready and assiduous in forwarding so essential a service.

I am &c.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Board of Trade

WILMINGTON 28th April 1767.

I have the honor to transmit to your Lordships four several deeds with extracts from the Minutes of the Council relative thereto annexed to a testimonial under the seal of this province,

The deeds contain a surrender of such lands as are acknowledged by Henry Eustace McCulloh, Esq. as belonging to himself his father and their associates. At my return from the back country where I am going in a few days to attend the service of running a temporary boundary line between the frontiers of this province and the Cherokee Indians, I hope to be able to give your Lordships a particular state of the lands now surrendered as well as the remainder of those large grants belonging to persons not admitted as associates in the present surrender therefore wish your Lordships would suspend every measure relative to these deeds till reference may be had to such further information.

I entrust this dispatch to the care of Mr Henry Eustace McCulloh who has obtained my leave of absence for one year he having first obtained leave to absent himself from his duty as Collector of the Port of Roanoke for the said term from the Hon^{ble} Commissioners of the Customs.

I am &c.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to The Right Reverend Richard, Lord
Bishop of London

BRUNSWICK the 30th April 1767.

I was honored the 5th of January last with your Lordship's letter bearing date the 17th September 1766: When Mr Stuart arrives with the recommendation from the Society for Propagating the Gospel I shall follow your Lordship's inclinations: I must beg leave to observe there is a young clergyman under, like circumstances with Mr Stuart, He has produced letters of ordination from Doct^r Edward Willis, Bishop of Bath and Wells who by coming out of the west of England at the invitation of a principal merchant here trading to Bristol, was ignorant of the necessity of getting a license from your Lordship to perform the duty of his office in America. He has been resident of Wilmington upwards of one year and has given general satisfaction to all. From the amiable manner in which he has conducted himself, I have contracted an esteem for him, therefore hope I shall meet with your Lordship's concurrence for my giving him letters of Presentation. The establishment of a minister dependant on the caprice of a Vestry is too precarious a device for the option of any man of real merit; therefore without this indulgence I imagine Mr Wills will return home. I have wrote this day to Doct^r Burton, Secretary to the Society, and sent inclosed a state of the ministers now in this province, to which letter I desire leave to refer your Lordship.

I have the honor to transmit to you the mode of presentation and induction I have observed since the Clergy Bill passed, with the directions for the person who inducted the ministers, all which I submit to your Lordship's amendment. I also inclose to you my Lord an Act concerning marriages passed last session of Assembly; My reasons for passing that Act are stated at large in my correspondence to the Board of Trade.

The Reverend Mr Fiske brought over letters of ordination and licence from your Lordship for which indulgence do me the honor to accept of my acknowledgements. Your caution in granting liberty for the clergy to execute their functions in this young colony is of the most essential importance, for as those of useful abilities and exemplary

morals will draw down blessings on all those they watch over; so such who are deficient in the one and careless in the other will leave their parishioners in a worse state than they found them by giving a sanction to that disregard which is so generally shewn by a neglect of public worship

I am &c

[N. C. LETTER BOOK S. P. G.]

Present state of the ministers of the Church of England in North Carolina April 30th 1767 as furnished by Governor Tryon.

| NAMES. | PARISHES | COUNTIES | REMARKS |
|---------------------------------|---------------|-------------|--|
| The Rev ^d James Reed | Christ Church | Craven | Established by letters of Presentation from the Gov- ernor |
| Geo Micklejohn | St Mathews | Orange | |
| Alexr. Stewart | St Thomas | Beaufort | |
| Ana Morton | St George | Northampton | |
| Sam ^l Fiske | St John | Pasquotank | |
| Tho ^s Flloyd | Society | Bertie | Never applied for Presenta- tion |
| Dan ^l Earl | Chowan | Chowan | |
| Thomas Burgess | Edgecombe | Halifax | Settled by Act of Assembly |
| John Barnett | St Phillips | Brunswick | |
| John Wills | St James | New Hanover | Not yet estab- lished |
| James Cosgreve | ----- | ----- | |
| W ^m Miller | St Patrick | Dobbs | |
| Charles Cupples | St John | Bute | |

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to the Rev^d Doct^r Burton, Secretary to the Society for the Propagation of the Gospel

BRUNSWICK 30th April 1767.

I was extremely pleased to be informed by your letter of the first of January 1766 which I did not receive till the 1st of November fol-

lowing that the Society for the propagating the Gospel honored with their approbation the Bill passed in the first session of my administration for the better establishment of the clergy of the Church of England, as also the great attention and compliance the Society paid to the several requisitions contained in my letter of the 31st July 1765. Their desire not to prefer persons applying for presentations without a certificate or licence from the Bishop of London I shall observe. Mr Tomlinson entertains a grateful sense of the Society's generosity in granting him an additional salary: He now presides at the head of the only school established in this country by legislative authority, in virtue of an Act passed the last Session of Assembly held at Newbern. The quarto Bibles and Prayer Books directed to be sent to me and which are greatly wanted are not yet received. Fifteen or twenty of each would not be too many as you may observe by the inclosed state of the ministers in this Colony. The Rev^d Messrs Barnett, Cupples and Cosgreve are not yet presented, the former waiting till the church at Brunswick is finished, the other two gentlemen I have not heard from, since I sent them to different parishes to make experience how far their situation would be agreeable to them and themselves to their parishioners.

The Rev^d Mr Thomas Moir's death in February last defeated the Society's direction to have him fixed to some parish, I desire leave warmly to solicit the Society that Mr Moir's mission may be continued in the province, as I am very apprehensive from the real indigence of the inhabitants of some counties heré, the stipend for the ministers tho' moderate, is more than some parishes can raise. If the Reverend Mr Agar a friend and an acquaintance of mine of long standing now in Virginia would settle in this province, I should wish he might have the vacant mission. I have the pleasure to inform the Society religion is making a very regular progress in this province, and that the advocates for the established Church of England have greatly the majority of all the sectaries united, many coming over to our persuasion. The strictest caution and care is absolutely necessary in the recommendations of gentlemen who come to settle as ministers in this province. The inhabitants are strict inquisitors and if the clergyman is not of a moral character, and his life regular and exemplary he will attract but little esteem to himself and less benefit to his parishioners for whom he must undergo patience and fatigue in the service of his calling.

I am &c.

[B. P. R. O. A. & W. I. Vol. 270.]

ADMIRALTY OFFICE 30th April 1767.

Account of the Establishment of the Admiralty Courts in His Majesty's several Colonies of North America.

[Extracts.]

| OFFICERS NAMES. | EMPLOYM ^{ts} & AT WHAT PLACE. |
|--|--|
| Earl of Northumberland----- | Vice Adm ^l |
| D ^r W ^m Spry----- | Judge |
| Hon ^{ble} Sp ^r Perceval----- | Register |
| Chas. Howard----- | Marshal |
| W ^m Tryon Esq ^{re} ----- | Vice Adm ^l |
| W ^m Faris Esq ^{re} ----- | Judge |
| Rob ^t Jones Esq ^{re} ----- | Advocate |

} Of all
 } America.
 }
 } Of
 } North
 } Carolina

A Plan of Districts proper to be allotted to Courts of Vice Admiralty to be appointed in America

The Court of Vice Admiralty to be established at Boston to have original jurisdiction in all causes arising within the Limits of the following colonies and within three Leagues of the Shores thereof: Quebec, Newfoundland, Nova Scotia, New Hampshire, Massachusetts Bay, Rhode Island, Connecticut.

The said Court to have also Original Jurisdiction in all causes arising from the capture of Ships to the Northward of Latitude 40° 30' North or of Ships whose Port of Destination shall be within either of the said Colonies.

The said Court to have also Jurisdiction in Appeals from the Courts of Vice Admiralty established, or to be established within either of the said Colonies.

The Court of Vice Admiralty to be established at Philadelphia to have Original Jurisdiction in all causes arising within the Limits of the following Colonies and within three leagues of the Shores thereof: New York, New Jersey, Pennsylvania, the Lower Counties on Delaware, Maryland, Virginia.

The said Court to have also Original Jurisdiction in all causes arising from the capture of ships between the Latitudes of 41° and 36° 15' North or of Ships whose Port of Destination shall be within either of the said Colonies.

The said Court to have also Jurisdiction in Appeals from the Courts of Vice Admiralty established or to be established within either of the said Colonies.

The Court of Vice Admiralty to be established at Charles Town to have original Jurisdiction in all causes arising within the following Colonies and within three leagues of the shores thereof: North Carolina, South Carolina, Georgia, East Florida, West Florida.

The said Court to have also original Jurisdiction in all Causes arising from the capture of Ships to the southward of latitude 36° 45' North, or of ships whose Port of Destination shall be within either of the said Colonies.

The said Court to have also Jurisdiction in Appeals from the Courts of Vice Admiralty established or to be established within either of the said Colonies.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Messrs. John Rutherford, Robert Palmer and John Frohock, Esqs.

BRUNSWICK 1st May 1767

You will forthwith provide yourself with what horses and baggage you shall find necessary for the service you are going upon in running a temporary line between the western frontiers of this province and the Cherokee hunting grounds. I shall however recommend to you to take as few horses and as little baggage as possible on this expedition. I have ordered the escort that is to attend me with the Commissioners to rendezvous at Salisbury the 18th inst. You will therefore be punctual at meeting me at the said place and at the said time when you will receive my further directions

I am &c.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to John Stuart, Esq.

SALISBURY the 20th May 1767

In full confidence of my seeing the Cherokee Chiefs agreeable to the appointment I sent them under cover to you dated the 16th Feb-

ruary last I arrived in this town the 16th inst, but not meeting with any express here, from yourself or your deputy, nor hearing the least intelligence of the Cherokee Chiefs, after waiting four days in that expectation, I have determined to march tomorrow towards Reedy river. The route I shall take will be thro' the Catawba Old Nation, across Loves Ford on Broad river, thro' Fair forest, and from thence directly to Reedy river: This intelligence I think proper to communicate by express directed to yourself, your deputy or the head men of the Cherokee nation, whichever the messenger may first reach. This general direction is absolutely necessary to prevent delays, as the escort and retinue I march with are considerable and maintained at a certain expence to the province. This makes it expedient the service of running the line proposed by the Cherokee Indians should be executed as soon as possible. I therefore shall expect the Cherokee Chiefs to meet me on the route above mentioned on which I shall proceed with all the diligence and expedition the escort will admit of

Mr William Temple Cole the messenger is a very trusty person and may be safely charged with your intelligence where I shall join you and the Cherokee Chiefs

I am Sir, &c.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Mr Alexander Cameron Deputy Agent for the Cherokee Indians.

MR FIFERS, May 23^d 1767.

In my march towards Reedy river about a mile to the westward of Salisbury, I was met by an express with dispatches from Mr Stuart dated Hard Labor 14th inst. You will see by the inclosed letter I had dispatched a messenger the 20th from Salisbury: This express was so fortunate as to meet Mr Stuart's dispatch thirty miles from the above town. As Mr Stuart desires I would communicate my instructions to you, I am to acquaint you I shall proceed without delay as far as Love's Ford, and shall then take the nearest and best road to Reedy river therefore desire you will inform the Indian Chiefs I wish they would meet me only one days march from Reedy river, I shall halt twenty five miles from Salisbury this evening, and imagine I shall march upon a medium twenty miles

a day sundays excepted; This information will enable you to give a tolerable near guess at the time we shall be with the Indians, Mr Stuart acquaints me also the Indians will be more than twenty in number This fact makes it necessary you should inform them they must depend upon their own industry for subsistence as the provisions procured for the escort that attends the service will be but little more than sufficient for the support of the escort I have satisfied Mr Stuart's express for his charges to Salisbury

I am &c

[FROM TRYON'S LETTER BOOK.]

Governor Tryon's talk to the Cherokees assembled at Tyger river camp the 1st day of June 1767 to confer together concerning the running the boundary line between the western frontiers of North Carolina, and the Cherokee Indian hunting grounds.

FRIENDS & BRETHREN, SACHEMS AND WARRIORS OF THE CHEROKEE NATION.

I heartily congratulate you brethren on my meeting you yesterday all in good health, after the great delays and disappointments we have both experienced in our mutual intentions of assembling to run a partition line between the western frontiers of this province and your hunting grounds. This disappointment I apprehend must have arose from your not being properly acquainted with the appointment made for you to meet me at Salisbury where I had ordered to be provided presents for your people to the amount of one hundred and seventy five pounds North Carolina currency, a sum the General Assembly of this province had voted you in testimony of their good intentions and inclinations to maintain and hold fast that peace and friendship which they wish to cherish between this province and the Cherokee nation. By a letter I received from Mr Stuart dated the 2^d of March last, he acknowledges to have received my letter I wrote him to appoint you to meet me at Salisbury the 16th of May, I left Brunswick the 6th of the same month and arrived at Salisbury punctually at my appointment, but not finding any express from Mr Stuart or your nation, and waiting in vain four day at Salisbury in that expectation, I left Salisbury

with my escort the 21st of May with a determination to march to the westward till I could get some intelligence where I could see you, and in order to hasten our meeting I sent an express the day before I marched from that place with dispatches explaining the path I should take; This express met the day after he left Salisbury a messenger coming from Mr Stuart with intelligence of your declining coming to Salisbury but that you would meet me near Reedy river. I immediately dispatched Mr Stuart's messenger to Mr Cameron to acquaint him I was on my march with all diligence to meet you, and also sent Mr Cameron the letter I wrote by my express who returned to me on meeting Mr Stuart's messenger, to these two dispatches now in Mr Cameron's possession, I refer you for your further satisfaction.

Labouring as I was under these circumstances of uncertainty and delay it was not in my power to bring with me the presents provided for you at Salisbury, an invoice of which I now present to you for your choice to the amount of the sum above mentioned, neither have I provided provisions for the number you have brought with you being uncertain where I should meet you and other reasons mentioned in my letters in the possession of Mr Cameron before referred to. By the return of provisions with me I find there is not sufficient of meal and flour to last the men escorting me for more than fourteen days, an allowance too scanty for the service I intended to have been present at, This being the just and true state of my situation I find it impracticable to support the number of people you have at present with you as it is impossible to get provisions in this unsettled part of the country equal to the daily consumption of both parties and which will be rendered still more impracticable as we proceed on the line from Reedy river.

Under these difficulties I can think of no other expedient than for me on my part to give up my intention of attending the running the dividing line and to return to Salisbury with the soldiers as soon as the course and distance are settled, and the line begun to be run leaving the Commissioners to finish it according to what shall be agreed on and that you on your part should send to Salisbury as many of your people as would be able to carry the presents to your nation sending the rest home except a few who might accompany the Commissioners in running the dividing line. I must therefore desire that you will take this talk into your wise and serious consideration and be assured that no delay or neglect to carry this important

service into execution is to be imputed to me, but on the contrary that I have exerted my utmost endeavors to promote it with all possible dispatch. I have travelled upwards of four hundred miles to meet you and have been now twenty six days absent from my place of residence which may be sufficient to convince you of my warmest wishes to promote a service I am sensible will be productive of the most salutary and beneficial consequences both to the inhabitants of this province and your nation. It therefore remains that we should confer together concerning what courses the dividing line shall run that the service may be performed without loss of time.

I have it in command from his most gracious Majesty King George to inform you of his steady purposes to support you in your just rights and claims, and he has given me directions to make use of all necessary means to remove and prosecute every white person who shall settle upon your lands or unjustly molest you. These my royal master's commands I shall most faithfully adhere to and when the boundary line is ascertained pursue every measure that may strengthen and brighten the chain which holds fast that Peace and harmony which at present happily subsists between us.

JUNE 2^d 1767.

Jud's Friend's Talk to Governor Tryon in Answer to his Excellency's Talk delivered yesterday at Tyger River Camp.

We have met here and smoked together as brothers in the presence of him who sees above and in remembrance of great George over the water

I am going now to give you a talk listen well and remember what it is, my intention is good and the man above is witness to it, my talk is straight and good

I met you here and heard your talk already and you have met warriors

You have left your place of residence and we have also left ours and met here to remember his Majesty's talks.

The man above is witness here You are not the first Governor I have had talks with, I have met Governors before and had talks with them and have not forgot them, but hold them fast

(Gives a string of white beads).

I remember the meeting at Augusta with four Governors where were the Chicassahs, the Choctahs, Creeks and Catawbass, where I heard his Majesty's talk which I have not forgot nor never shall,

I have come here with a few of my people, but they remember his Majesty's talk. The man above is witness that my talk is straight and good and that it is my desire that there shall be nothing dark no more but all straight and right. I have met your Excellency here and it is the first meeting I ever had from your government. I hope our talks will be straight and right.

My talk is the sentiments of all our nation as well as those who are present of the head beloved man in Chota, and of them all that I deliver here.

The talks of your Excellency, the Governor of South Carolina, our father Stuart and the Governors of Virginia and Georgia all agree (Gives a second string of white beads).

All the towns in the Cherokee nation are as one, they are all my people and we remember his Majesty's talk that he told us to be all good.

His Majesty told me when I was there, that the white people and ourselves should be all one, that we were all his, and should be as one people. As his Majesty desires so I hope we shall look with one eye, speak with one tongue and be as one people.

(Gives a third string of beads)

I am going to talk more. The man above is he who made the land and his Majesty over the water desires that the white people and themselves should mutually possess it. As I said before the man above is head of all, he made the land and none other, and he told me the land I stand on is mine and all that is on it. True it is the deer, the buffaloe and the turkeys are almost gone, I refer all to him above, The white people eat hogs, cattle, and other things which they have here, but our food is further off. The land here is very good land, it affords good water, good timber and other good things but I will not love it. My talk is very good, I do not love the land as we are going to make a division. I want to do what is fair and right.

I desire that your Excellency nor your warriours will forget my talk and that my men also may not forget it but remember it well. I remember the talk we had from our father Stuart about the line and am accordingly come, and am ready to run it, for the white people to live on one side and ourselves on the other, all in peace, our hunting grounds are but small and but a little way from the nation.

There are rogues among your people and among my people, but I will give my people a good and a strong talk to be so no more,

and I hope your Excellency will also give your people a talk to be honest.

His Majesty told me when I was there and I have since heard that he desires a line may be run between us, and that neither shall encroach on the other. I am now come to run it and it must be done without alteration, I never indeed heard any proposed before a little last night. I determine to have it run from the place it terminated in South Carolina a straight course according to what has been agreed on. I remember the talk from his Majesty and the head beloved at Augusta concerning what course the line should run. I am now come to run it and the land that is on this side I wont live on, I give it to the white people. The price the white people give for land when they buy is very small, they give a shirt, a match coat and the like which soon wears out but land lasts always.

I am now done talking, the land is given when the line is run and I quit all pretensions to it.

(Lays down a string of beads on the course the line was to run)

I am now done talking and wish to see the white people live well increase and have children and that we may do so too.

My people are here, come a great way naked, I expected to have had things here for them, but as they are not come will they be sent for, or what will be done?

In answer to which, his Excellency proposed, that a sergeant and six men from his detachment should escort six of the Indians to Salisbury to receive the presents, and return back again with them as far as Loves Ford on Broad river where the presents should be delivered to the Indians. Which proposal Friend (on behalf of the Indians) complied with and the detachment and Indians marched immediately to Salisbury

I am &c^a

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Mr John Mitchell, Merchant in Salisbury

TYGER RIVER CAMP, June 2^d 1767

I have dispatched a Sergeant and six men to conduct six Cherokee Indians to Salisbury who have authority from me to receive of you such articles as they shall make choice of out of your store, agree-

able to the invoice transmitted to me, to the amount of a sum not exceeding one hundred and seventy five pounds procⁿ money and when they have selected the goods you will at an additional expence supply the Indians with waggons or pack horses as will be most convenient to convey the goods as far as Loves Ford on Broad river where the waggons or pack horses will meet with a body of Indians to receive the goods of them and the waggons or pack horses then will return to Salisbury.

While the Indians continue in Salisbury you will supply them with provisions. As these presents are made by the publick and the money now in the hands of the Commissioners, I have a confidence in you that you will for the honor of the province supply them upon the most reasonable terms and be careful that the articles are good of their quality.

The expence of conveying the goods to Broad river and supplying the Indians with provisions while in Salisbury you'll be allowed by a claim on the publick.

I am &c.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to John Rutherford, Robert Palmer and John Frohoek, Esquires

REEDY RIVER CAMP the 4th June 1767.

You will wait on the Cherokee Chiefs and acquaint them and Mr Cameron you have my directions to begin to run with them this morning the dividing line between the western frontiers of this province and their hunting grounds to commence on Reedy River where the South Carolina line terminates and be run a north course into the mountains whence a straight line to the lead mines of Col^o Chiswell are to fix the boundary agreeable to the settlement made by the Prince of Chota, Juds Friend and all the other warriors of their lower towns at a meeting held at Fort Prince George the 20th day of October 1765.

I am Gentlemen &c

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to John Rutherford, Robert Palmer
and John Frohock, Esquires

JUNE 6th 1767.

You are hereby directed to proceed in running the dividing line between the western frontiers of this province and the Cherokee hunting grounds which was begun the 4th instant on the south side of Reedy river where the South Carolina line terminates. The courses of this line to be run conformable to the Cherokee Chiefs agreement at a meeting held at Fort Prince George the 20th of October 1765, an extract from which I now inclose you. You will therefore pursue a north course till you get into the mountains and from thence a straight course to Chiswell's mines. If it is possible I must strongly recommend to you to run the dividing line through the whole of the western frontiers, but if from the impracticability of passing over the mountains, or other unforeseen circumstances should arise that may impede the full execution of this service, you will govern yourselves in such a manner as will be most beneficial to the publick interest, and best answer the intentions of the legislature of this province and my best wishes, therefore reposing great trust and confidence in your diligence and prudence, I do give you gentlemen, full power and authority to do all manner of things, and execute any instrument that may confirm and bear record of the execution of the above service, and do declare that any act, or acts, so confirmed and executed, provided you are unanimous in your resolutions, shall be valid and binding, till his Majesty's pleasure shall be known, therefore wishing you, Gentlemen, success in this expedition,

I am &c.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Mr Alexander Cameron

JUNE the 6th 1767

Mr Stuart informs me by letter that you have his instructions to comply with any directions that you shall receive from me concern-

ing the running the boundary line between the western frontiers of this province and the Cherokee hunting grounds, I therefore desire that you will co-operate with and give every assistance in your power to the commissioners now appointed by me to perform the above service

I am sir &c^a

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

An Agreement between Governor Tryon and the Indians in regard to the Western boundary.

Be it Remembered that on the thirteenth day of June in the seventh year of the Reign of our Sovereign Lord King George the Third by the Grace of God of Great Britain France and Ireland. King Defender of the faith &c. and in the year of our Lord One Thousand Seven hundred and sixty seven it was agreed in Behalf of his Most Excellent Majesty of the one part and the head Beloved men and Warriors of the Cherokee Nation of the other part—Witnesseth that whereas by a Talk had between the head beloved men and Warriors of the Cherokee Nation and the Honorable John Stuart Esquire his Majesty's Superintendant of Indian Affairs for the Southern Department Dated the 20th Day of October One Thousand Seven Hundred and Sixty Five concerning the Boundary line Between the Frontiers of the Province of North Carolina and the Cherokee Hunting Grounds to avoid all further disputes, was unanimously agreed as follows, by the Prince of Chote Juds Friend and all the head Warriors and head Beloved men of the Over Hills Middle Settlements and Lower Towns that a Line on the North Carolina side should be Run. To commence where that on the South Carolina Terminates and to be run a North Course into the Mountains whence a Straight Line to the Lead Mines of Col^o Chiswell should Fix the Boundary. In pursuance to which Talk His Excellency William Tryon Esquire Governor and Commander in Chief in and over his Majesty's Province of North Carolina &c by commission, under his hand and seal, did appoint the Honorable John Rutherford, the Hon. Robert Palmer Esquire and John Frohock Esquire, Commissioners to run the said Boundary Line between the Frontiers of North Carolina and the Cherokee Hunting Grounds

and the Commissioners aforesaid with Alexander Cameron Esquire Deputy Superintendant and the head Chiefs and Warriors of the said Nation (to wit) Juds Friend, Tufftoe Sallowee, or the Young Warrior of Estatoe, Ecoy, Chenesto of Sugar Town, and the Wolf of Keowee and others Met on the Fourth day of June One Thousand Seven Hundred and Sixty Seven at Reedy River and Run the Line as follows, Beginning at a Waughoe or Elm tree on the South side of Reedy River Standing on the Bank of the River where the South Carolina Line Terminates and Runs thence a North Course about Fifty Three Miles into the Mountains to a Spanish Oak marked with the Initial Letters of the Commissioners names and several other Trees with the names and marks of Juds Friend Sallowee Ecoy and others standing on the Top of a Mountain called by us Tryon Mountain on the head Waters of White Oak and Packet Creeks, White Oak running into Green River and Packet running into Broad River and as it was found Impracticable that a Line should be Run and marked through the Mountains to Col^o Chiswell's Mines it is further agreed between the said John Rutherford Robert Palmer and John Frohock Commissioners as aforesaid in behalf of his Most Excellent Majesty and the said Alexander Cameron Esquire Deputy Superintendant as aforesaid and Juds Friend Tufftoe Sallowee Ecoy Chenesto and the Wolf of Keowee in behalf of themselves and the head Beloved Men and Warriors of the Cherokee Nation that the Line between the Frontiers of the Province of North Carolina and the Cherokee Hunting Grounds be continued as follows. Running from the Top of Tryon Mountain aforesaid. Beginning at the marked tree thereon by a direct Line to Chiswell's Mines in Virginia—shall and is hereby declared to be the Boundary line between the said Frontiers of North Carolina and the Cherokee Hunting Grounds—and Commissioners aforesaid in behalf of his Most Excellent Majesty and the said Alexander Cameron Esquire, Juds Friend Tufftoe Sallowee Ecoy Chenesto and the Wolf of Keowee in Behalf of themselves and the head beloved men and Warriors of Cherokee Nation, agree determine and conclude that the Boundaries as aforesaid herein described shall stand be and remain the Boundary Line between the Frontiers of the Province and the Cherokee Hunting Ground until his Most Excellent Majesty's pleasure shall be further known thereon. In testimony of which the several parties herein mentioned have

hereunto interchangeably set their hands and seals the day and year first above written.

JNO. RUTHERFORD

ROBT. PALMER

JOHN FROHOCK

ALEX. CAMERON

USTENUAH OTTASSATIC or JUDS FRIEND

his
+
mark.

ECOY or the Good Warrior of Estatoo

his
+
mark

SALUY or the Young Warrior of Estatoo

his
+
mark,

TUFFTOE the Warrior of Keowee

his
+
mark,

WOLF OF KEOWEE

his
+
mark,

CHENESTO of Sugar Town

his
+
mark.

[B. P. R. O. AMERICA AND WEST INDIES. VOL. 314.]

Letter from Earl Shelburn to Governor Tryon.

WHITEHALL 20th June 1767.

I have had the Honor to lay your Letters of 2nd, 27th February, and 7th March before the King, with the Plan and Elevation of a House for the Governor of North Carolina, which His Majesty has been pleased to approve.

Your Observations on the Qualities of the Cypress Tree, and the Pitch and Yellow Pine, are judicious, your Endeavours for investigating such Articles as may tend to the Encrease of the Commerce of the Colony, are very laudable, and the Continuance of them cannot fail to recommend you to His Majesty.

As Mr Stewart Superintendant for Indian Affairs writes to me that he will attend the running of the Line between your Colony and the Cherokee Hunting Grounds this Season, I must particularly recommend to you that this necessary work may be executed with Candor and the Stipulations observed with good Faith, for nothing can more effectually conciliate the Minds and Affections of the Indians, than a Measure which must convince them that we mean

to Protect them in the Peaceable Possession of those Lands which are necessary for their actual Subsistance.

As the Law which gave the appointment of the County Clerks, to the Clerk of the Pleas, at the Separation of that office from the office of Secretary of the Province, is near expiring, in case any Inconvenience has arisen from the change, I should imagine that the Council and Assembly of the Province can have no objection to the Appointment of County Clerks reverting to the Secretary at the Renewal of that Law.

His Majesty has been graciously pleased to accept of your Panther.

I am &c^a

SHELBURNE.

Letter from Governor Tryon to the Earl of Shelburne.

BRUNSWICK 29th June 1767.

I have the honor to transmit to your Lordship a few sheets of paper, under the title of "A Sketch of the Polity of the Province of North Carolina," as no diligence nor pains have been spared to make this work as accurate as it is impartial and just, and no assistance been wanting in describing the powers and jurisdiction of the Courts of law and of the officers that compose them, I hope his Majesty will find nothing materially omitted in the attempt to delineate the civil constitution of this province.

I am, my Lord, with real esteem.

The polity referred to follows.

A VIEW OF THE POLITY OF THE PROVINCE OF NORTH CAROLINA, IN THE YEAR 1767.

In a paper of this nature it is sufficient to observe that the Legislative power is vested in the Governor, Council and Representatives of the people.

The Governor is the King's lieutenant, and in him is lodged all the prerogative of the Crown, with certain other powers and authorities extrinsic of the prerogative and more immediately relative to the administration of Justice, and will be treated of under that head.

The members of his Majesty's Council have always claimed and in fact have been in the exercise of a negative in the making of

laws, and no bills have passed into laws in this province without their assent.

The House of Assembly or of Burgesses is composed of five persons as representatives for each of the counties of Chowan, Perquimans, Pasquotank, Currituck and Tyrrel, three from the county of Bertie, two from each of the other twenty three counties in the province and one from each of the towns of Wilmington, Brunswick, Newbern, Halifax, Bath, Edenton, Salisbury and Campbellton.

The several towns in this province are created by act of Assembly but have no right upon their creation to send members to the Assembly, nor doth that right by law commence until there be sixty families residing in the town, at which time they may apply, and are entitled to a writ for electing a representative in the Assembly

It is generally understood that the person of members of Council and Assembly are exempted from arrests in civil actions during their attendance on the publick service going to and returning from that service only, but what shall be construed a reasonable time for going to and returning from the service of the house has not yet been ascertained or perhaps thought of.

The power of his Majesty in Council to repeal the laws of the province is universally considered as part of the Constitution, these laws being no longer in force than until such repeal is notified, and it hath also been indisputably held that the statutes of the British Parliament extending to America are in full force in this province and have in the courts of judicature been always liberally construed. It must be owned indeed that the Stamp Act made many of the People skeptical on that head and taught some to make a distinction between keeping money out of their pockets and taking it out without their consent where it was then lodged.

As to the administration of justice the first court of judicature to be mentioned is that of the Court of Chancery or more properly the Court of Equity and Conscience since it hath no plea sides neither have there at any time issued any original writs from this court. It is not established by any positive statute nor hath the province been so long in existance as to give it any establishment by prescription. However several laws of the province have taken notice of it as a Court of Judicature by establishing certain fees to the officers upon the different motions and orders in process and by saving clauses reserving to this court all the jurisdiction they had

before passing the several Acts in which these saving clauses are contained, and in fact this court is in the exercise and enjoyment of all the jurisdiction and authority in this province that the Court of Chancery in England hath on the equity side. The Governor and members of his Majesty's Council are the judges of this court and among them have the judicative power of the Chancellor and master of the rolls in England so far as extends to the equity side. The presence of the governor is essentially necessary to constitute a court and it is understood that there must be at least five members of his Majesty's Council likewise present, and in this court the governor is supposed to be no more than the presiding judge, every member present having an equal voice with him and the majority determine. The secretary of the province commonly by a deputy executes the office of clerk and register in this court and there are no other officers properly belonging to the court. The sheriffs of the several counties do execute the compulsory orders of the court and the attorneys of the superior courts act both as solicitors and counsel. The governor may hold court when and where he pleases although it is seldom held oftener than twice a year, notice being previously given by advertisements put up in different parts of the province and commonly inserted in the newspapers. Except a fee of forty shillings currency to the governor and some other fees to him and the secretary established by act of Assembly passed in April 1748, the judges and officers of this court have no pecuniary appointment either in the way of fee or salary. The governor for the time being of himself and without the consent of the Council hath always been in use so far to execute the power of Chancellor as to issue injunctions to stay the execution of proceedings at common law when to him there appeared sufficient equity in the bill sworn to by the party applying for the injunction and such injunctions are seldom or ever dissolved until an answer is filed in the Court of Chancery and motion then made and parties heard. The truth is that a Court of Equity to take cognizance of all frauds, trusts, accidents brought before them is almost absolutely necessary in this province and perhaps it is [no] less so that a few plain rules easily executed and calculated for the situation and circumstances of the province be made for carrying on the business of this court. It may be observed that if the power of chancellor was altogether vested in the governor for the time being it would have the sole merit of every equitable decree or order of the court and the sole

blame of every bad one. The council would neither control him in the first instance, neither could he screen himself from censure by any influence he could have over a majority of that body in the last instance so that his reputation as an equitable judge would stand or fall by his own act only, and any defects in point of knowledge in matters of law or form might with ease be supplied by taking the opinion of such of the council or of any others whose knowledge and probity he could rely on, still weighing such opinion in the scales of his own good sense. Another improvement might probably be the appointment of two or three gentlemen tolerably versed in the law of England and well known to figures and accompts who should have the powers and trusts of the matters in chancery in England and to whom all references for auditing accompts all exceptions to answers and other matters incident to that office should be made, but as the fees arising from their offices would for some time at least be altogether insufficient to support them with decency, an annual salary to each would be necessary, which is not to be thought of, without the grace of the crown or the aid of the legislature

The Governor is also in some measure in place of the Ordinary in England and issues all letters of Administration and letters testamentary. He may and often doth issue these by direct and immediate application to himself, but the most common way is, that the nearest of kin, the greatest creditor or the executor as the case may be, do apply in the first instance by motion to the superior or inferior court who grants an order for such letters, of course unless some other person having an interest in the matter do oppose it, in this event parties are heard and the court of law determines to whom the right of preference belongs and grants the order accordingly, but the party dissatisfied with such order may enter a caveat and in that case the order and caveat is transmitted to the secretary's office and a rehearing and a debate is had before the governor and council as a Court Ordinary where the right is determined by plurality of voices as in Chancery formerly described. For the ease of the subject the clerks of the superior and inferior courts of law are often trusted from time to time according to the demand with a few of these letters signed by the governor and countersigned by the secretary with the province seal annexed with the names of the persons left blank to be filled up and delivered to the party agreeable to the order of Court, and immediately upon

such order and the party finding surety, at the sight of the court, but this can only be when no caveat is entered.

The Court of Claims is the next to be mentioned, if with propriety it can be called a court, being in fact no more than a meeting twice a year or oftener if occasion require of the governor and council as trustees for granting out in fee farms the King's lands in the province. This being a trust immediately flowing from the crown, *Jure Corona*, their proceedings are subject to no control, except what is dictated by his Majesty's instructions, and whenever such instructions don't interfere, they are supposed to act according to what appears to them *pulchrum* and *honestum*. Their method of proceeding is plain and easy and fully answers the purpose intended, for when any of his Majesty's subjects come to a resolution to take a grant or patent for any part of the crown lands he maketh an entry in the nature of a proposal in the secretary's office and pays a small fee for such entry. As the first entry is prior *in tempore* so it is supposed to be first in law and a warrant to the Surveyor General signed by the governor goes out of course requiring him to make a survey of the lands proposed to be granted, this survey with a sketch of the plan annexed is returned to the secretary's office and a patent or grant not exceeding 640 acres is made out, signed by the governor countersigned by the secretary and has the seal of the province annexed. Although this be the common method of proceeding yet it is well understood that any person may enter a caveat against obtaining a grant or patent upon such entry at any time before the patent is executed, which caveat is also entered briefly in the secretary's office and effectually stops the issuing of the patent for such reasonable time as gives the parties opportunity of being heard upon their several pretensions, and after hearing the equitable right of preference in the contending parties is determined by the governor and council as in a court of equity. The officers belonging to this court are the Surveyor General and his deputies whereof he appoints one or more in each county as occasion requires, the Secretary and the Auditor.

As to the administration of justice according to the course of the common law, it falls to be observed, that the province is divided into five different districts in the following manner: The district of Edenton contains seven counties being Chowan, Perquimans, Pasquotank, Currituck, Tyrrell and Hertford. The district of Halifax contains the same number of counties, to wit, Granville, Bute,

Halifax, Edgecomb, Orange, Johnston, and Northampton. The district of Salisbury contains three counties namely, Mecklenburgh, Anson, and Rowan. The district of Wilmington six counties, Viz. Cumberland, Bladen, New Hanover, Duplin, Brunswick and Onslow, and the district of Newbern contains the counties of Craven and Dobbs, Pitt, Beaufort and Hyde. In each of these districts there is twice in every year held a court by the chief justice of the province for the time being, and the associate judge of the district jointly, or by either of these judges in the absence of the other. The associate judge for Salisbury district must be a lawyer by profession. He has a salary from the province of one hundred pounds current money of the province for every court he holds in the district, and has all the power and authority of the chief justice in that district and in the absence of that Magistrate. It is not necessary that the other four associate justices be lawyers, their offices are purely honorary attended with no profits worth mentioning and though they have an equal voice with the chief justice in all cases whatever when present, yet in his absence their power is much limited, for in that event they must not give judgment in any cause where matter of law arises. The jurisdiction of each associate is confined to the district for which he is appointed.

The chief justice is in this province an officer of dignity, trust and importance, for he is the great judge at common law of all causes, civil and criminal, above the value of twenty pounds currency in civil actions and those that extend to a life or member in criminal cases, and in fact in this province there is lodged in him all the powers and authorities vested in both the courts of Kings Bench and Common Pleas in England. When sickness or other extraordinary accidents don't intervene he sits judge in all of these districts, Salisbury only excepted, where he may also preside when he pleases, although that don't often happen on account of its remote situation: and in the absence of the associate for the district is sole judge. Besides the powers and authorities which this court hath in common with the courts of law in Westminster, it has some other peculiar to itself, for Writs of Error and of *Certiorari* not only lye from this court to the inferiour courts of the different counties within the respective districts but likewise the persons dissatisfied with the judgements and verdicts in these inferiour courts may on motion immediately after such judgments or verdicts have an appeal to the superiour courts of the district and by transmitting a copy

of the records from the inferiour to the superiour courts have a new tryal there. This court also upon motion grants orders for Letters of Administration to issue to the nearest of kin to the intestate or to the greatest creditor, and may compel an exhibition of Wills in order to a legal probaton, and take the probate of Wills and order these to be recorded, but in all of these cases the person having a right to administer on the estate or to execute the Will thinking himself injured may enter a caveat against the person obtaining the order which stays the issuing of Letters of Administration or Testamentary until the matter in controversy is reheard and determined by the governor and council. The judges of this court hath likewise an equitable jurisdiction in common with the Court of Chancery by bill in equity for recovery of legacies, filial portions, distributive shares of intestates estates, sums of money or other estate due by guardians, executors or administrators. The law for establishing this court is not older than the year 1762, and was temporary to continue for two years only, but from experience of the utility thereof the time has been prolonged and the law is now in force and continues to the end of the next session of Assembly. The Chief Justice and his associates hold their offices during pleasure and besides the oaths to the government do each take an oath of fidelity in office. The Chief Justice hath the power of appointing the clerks in civil causes in all the different districts who hold during his pleasure, and at entering upon their office must take the oaths to the government, and an oath of fidelity in office, and at the same time swear that neither they or any in their behalf hath paid or undertaken to pay any gratuity or consideration for their offices. There is likewise belonging to every district a Clerk of the Crown for each court in the appointment of the Secretary, this clerk holds during the pleasure of his constituents. The other officers of the court are the sheriffs of the several counties within each district who execute the orders of the court, and the Sheriff and Cryer. The Attorney General and the other attorneys at law will be afterwards mentioned. Parties who think themselves injured by the judgments of this court apply for redress by a bill in equity filed in the Court of Chancery, and at the same time to the governor, who according as there is equity suggested and sworn to grants or refuses an injunction to stay proceedings at common law until further hearing in Chancery. Of this enough hath been said already only that on intimation of this writ to the

party or his attorney effectually stops execution until the injunction is dissolved. An appeal to his Majesty in Council doth likewise lye from the decrees of this court as well as from decrees in chancery, but from this Court not directly or immediately for the mode prescribed for obtaining this redress against the judgments at common law is supposed to be by application to the governor and council who of course order a transcript of the proceedings in the court of law to be transmitted to them and appoint a day for hearing the cause after which hearing, they affirm or reverse the judgment given at law and upon praying grant an appeal to his Majesty in Council upon good surety found by the appellant to fulfill the order of council and pay all costs awarded. The salary paid to the Chief Justice from the crown is seventy pounds sterling per annum paid at its value in the currency of the country by his Majesty's Receiver General out of the quit rents. There hath likewise hitherto been paid to him twenty six pounds currency out of the publick treasury by Act of Assembly for every court he attended to defray the charges of his journeys, but the act of Assembly for this establishment having been temporary is now expired. But much the greater part of the revenue of this officer arises from the fees of court which he is intitled to upon the different motions orders, and proceedings of the court from four pence to five shillings and four pence at the highest, and by custom none of these fees are paid until the suit is determined either by abatement, discontinuance or judgment and then the clerk makes out a bill of costs due to the Chief Justice and to himself, and for these fees issue execution against the party who is cast and the clerks of courts of the several districts collect the Chief Justices fee with their own from the sheriff who returns the execution and accompts with the Chief Justice twice every year. These trifling fees are established by act of assembly and altogether may be justly computed at one thousand pounds currency annually which at the present rate of exchange may be equal to five hundred and fifty pounds sterling, but the Chief Justice is obliged annually to travel above twelve hundred miles in the discharge of his office, exclusive of the district of Salisbury, which adds about seven hundred to this account.

Another court both of law and equity is the inferiour Courts of Pleas and quarter sessions held four times a year in every county in the province. The justices of peace of each county are judges of these courts in their respective counties. Their jurisdiction in

civil actions is restricted to twenty pounds currency and in criminal actions to such crimes as amount to fine and imprisonment, the fine not exceeding twenty pounds, and they often inflict corporal punishment, such as pillory whipping and others that don't extend to life or member. Although the jurisdiction of this court both in civil and criminal cases is so much restricted, yet the powers, authorities and trusts belonging to it are many and important, they grant orders for administration of intestates estates in common with the superiour courts (and from thence these orders most generally issue) of whatever value the estate be, and to them the inventories of these estates are returned, and they give orders to sell the estates of intestates as they see proper and to take bond and security from the administrator for the faithful discharge of his duty. They take the probate of wills and grant the same orders for Letters Testamentary and upon these orders letters issue of cause, unless a caveat is entered, in which event the right of the contending parties is tried by the governor and council as a court ordinary. They take charge of the persons and estates of orphans in their counties and assign them guardians making such guardians find surety and calling them to account at discretion. Deeds of real and personal estate for the most part are proved and acknowledged before them in this court and orders are there issued for recording them, and registering them in the register's office. In causes under five pounds they determine summarily without a jury *secundum bonum &c*—This court annually recommends to the governor three persons out of whom he is to choose one to be sheriff of the county. The duty of this officer will be mentioned in its place. This court likewise appoints the Inspectors of the several counties, a description of the duty of this officer will also be attempted in its place. They likewise annually audit and pass the Sheriffs accounts of the publick money and give a certificate to the treasurer of the district for the number of taxables he is to account for, the presence of five justices is necessary for this last purpose and three in all other cases to do business as a court. Besides the publick taxes imposed by Act of the Legislature this court hath power to tax the several counties at pleasure for the contingent charges of the county, that is for building and repairing bridges, making and repairing high roads, repairing court houses, goals and other publick works in their several counties. Application is in the first instance made to this court by all parties who intend to build publick grist mills to intitle them to

take toll but in this case the party dissatisfied with the order of the inferiour may appeal to the superiour court. This court grants orders for licences to keep tavern, and for retailing spirituous liquors and revokes such licenses, and also licenses to keep publick ferries and regulates the ferriages. They appoint from time to time at discretion the overseers of high roads and the constables of the country. Their jurisdiction is extensive and their proceedings summary in all questions which regard servants and slaves and touching their complaints of ill usage. At the inferiour court of the county preceding the superiour court of their district they appoint the persons who must serve on the grand jury and petit jury for that county in the superiour court and those only the sheriff is to summon. Every justice of the peace who accepts and qualifies under the commission is *ipso facto* a judge of that court in the county where he qualifys and besides the oaths to the government which these justices in common with all officers civil and military are obliged to take previous to their entering upon the offices, they also take an oath of fidelity among other things importing they shall accept of no fee or reward whatever for doing their duty in that office. These judges hold their offices in virtue of the commissions of the peace issued from time to time by the Governor in council as occasion requires and are commonly named in consequence of a recommendation from the members of Assembly from the different counties. Their offices as may be observed from the form of the oath by them taken are attended with no profit whatever but are notwithstanding thereof much desired on account of the many trusts reposed in them by the laws of the country which indeed gives them very great influence in their several counties, and the House of Burgesses is to a trifle made up of these justices from the several counties. Their offices as Justices or Conservators of the Peace (extrinsick from their meeting in the inferiour court just now described) is pretty much the same with that of the Justices in England, exclusive of the powers given them by statute in revenue matters, with this difference that in all matters of debts or demand a single justice in this province may judge to the amount of forty shillings currency, but an appeal lyes from his decree to the inferiour court of the county. It may be reasonably conjectured that there are five hundred and sixteen acting justices in the province which consists only of twenty nine counties

To each court belongs a clerk of the civil causes and a clerk of the crown. Until about the year 1761 these officers were in the gift of the secretary of the province who granted them during pleasure and had a small annuity paid him out of the profits of the several offices. About this time a new office was erected out of the Secretary's and called Clerk of the Pleas. The nature of his commission was appointing him clerk in civil cases of all the courts of law in the province and giving him power to appoint deputies. In the year 1762 this new officer was recognized by act of Assembly with these restrictions that the Chief Justice should have the appointment of the clerks in the Superiour courts and that the deputies of the Clerk of the Pleas should hold their offices during good behaviour. These clerks of the inferiour courts therefore although no more than deputies (and that the common law of England lays it down as a maxim, that it is essential to the being of a deputy that he can only hold during the pleasure of his constituent) yet hold during good behaviour while their principal and constituent holds during pleasure only and yet is accountable for the acts of his deputy. The business of these clerks in the several counties gives them so thorough a knowledge of the people and makes them so necessary in all transactions in these counties that with common discretion they acquire great influence so that if these twenty nine offices with about one hundred pounds sterling annually one with another were all in the disposal of the Crown during pleasure it would thereby acquire great additional weight and ballance in the scale of legislation. The clerk of the crown in each county holds his office from the Secretary and during pleasure, the emolument of this office is so trifling that for want of another to execute it he commonly confers it upon the clerk of the county court who with ease discharges the duty of both offices. It may justly be observed that the secretary being absent acts by a deputy, who is the same person that enjoys the office of principal clerk of the Pleas so that the office of clerk of the pleas and clerk of the crown in the several counties are in the disposal of the same person, with this distinction that he appoints the first during good behaviour the last during pleasure only.

The only other court of judicature known in this province is that of the Admiralty. The jurisdiction of this court is limited to transactions on the high seas, to the tryal of seizures made by the officers of the customs for breach of the acts of trade and to suits brought

by mariners for their wages and therefore although the court is always open yet it seldom meets, as grievances of that nature don't often occur. The officers of the court consist of a Judge appointed by the Governor, a Register and Marshal appointed by the judge and all hold during pleasure. The commission of judge doth generally extend over the province and he appoints surrogates for those ports which are situated remote from his place of residence to whom are delegated all his powers within the limits of these ports. The judge or any other of the officers of this court have no other establishment except their fees of court regulated by Act of Assembly in April 1748.

There are no spiritual courts of judicature nor is there any exchequer recognized in this province, although there is a Baron of the Exchequer appointed conformable to his Majesty's order in council of the 18th day of September 1733 with a salary of forty pounds sterling annexed per annum.

Something more remains to be said concerning the officers upon the civil establishment, who will be mentioned as they occur without regard to their precedence. A short description has already been attempted of the power and authority vested in the governor, what remains on that head relates to the emoluments arising to him in the province.

By an Act passed in April 1748, (which is the general law for the regulating officers fees in the province) the Governor hath a certain fee upon all patents or grants of the King's lands, for letters of administration, probates of wills, registers of shipping, testimonials under the colony seal, commissions for civil offices, letters patent of denization together with his fees in chancery.

By an Act passed in December 1758 he is entitled to twenty shillings currency for every license to keep tavern, to retail wine or spirituous liquors. By an Act passed in November 1766 all marriage licenses are to be issued under the hand and seal of the governor for each of which he is intitled to a fee of twenty shillings currency which the clerks of the county courts collect at the time of taking the marriage bond and is accountable for to the governor.

By the act passed in April 1748 certain small fees are given to the governor's secretary for drawing certificates of the probates of wills, testimonials to which the colony seal is affixed, warrants for lands and affixing the great and small seal.

The members of his Majesty's Council as such have no salary or fees whatever paid them from the province except an allowance of seven shillings and six pence currency per diem to defray their traveling expences to and from and for their attendance at the general assemblies. The same allowance is also made to the members of the Assembly.

There are two publick Treasurers in the province one for the southern, another for the northern part of the province, both of whom are commonly appointed by Act of Assembly, their business is to receive from the sheriffs and the other collectors of the revenue of the province the poll tax and the other taxes imposed by the legislature and to apply the monies arising from those taxes to the purposes prescribed by the several statutes that impose them, to call the sheriffs and other collectors to account for their publick monies, to settle accounts with them and to account with the Assembly for the monies they receive, and have five per cent upon all monies by them received.

The duty of the Receiver General is that himself and his deputies collect from the tenants of the Kings lands the fee farms or quit-rents reserved to the crown in the grants of these lands, and to account for or disburse the same according to the instructions from the Sovereign. His profits arise from the commissions allowed upon his receipts of these rents. He appoints deputies one or more as occasion requires in every county within the limits of the king's part of the province.

The Secretary of the province is an office of trust and importance. This officer hath the power of appointing the clerks of the crown both in the superiour and inferiour courts and receives from these clerks such a share of their annual profits as he and they can agree for. He likewise appoints the clerk in chancery, and is principal keeper of the records in the province. In his office are made out and recorded all patents and grants flowing from the crown, all commissions of the peace and all military commissions for all which and for copies from the records certain fees are allowed him by Act of Assembly in April 1748.

The office of Auditor in this province is executed by deputy. His business chiefly consists in auditing the accounts of the Receiver General of the quitrents and giving debentures for payment of the salaries to the officers upon the crown establishment, in certifying and entering the warrants for survey of lands granted by the crown

and auditing the patents of these lands, for certifying and auditing of which warrant and patent he hath certain fees allowed him by the Act of Assembly in April 1748.

The office of Surveyor General is another that relates only to the Land Office or Court of Claims. His business being also to certify and enter all warrants for survey and to make the surveys previous to the issuing the grant, this last and most troublesome part of the business is performed by deputy whereof there is one or more (as needful) in every county within the King's limits. The fees of this officer is regulated by the Act of Assembly passed in 1748.

And with respect to all these officers already named it may be observed in general that none of them have any annual salary or establishment paid them by the province, all their profits and emoluments arising from the fees for the most part if not altogether regulated by statute and particularly by the Act of Assembly in April 1748 for regulating the fees of the officers in the province and to that statute reference is had.

There is in this province no other class or distinction of lawyers than that of attorney at law, the same person issues the writ, draws and files declarations, pleas &c and pleads the cause at the bar, so that he is at the same time attorney and counsell for his client. None are entitled to act as lawyers in the province unless they have taken the degree of outer barrister at least in some of the inns of court in England or have license from the Governor here, and in fact the last is the most general qualification under which the attorneys in this province act, although there have been some instances to the contrary, yet the general rule in obtaining such license is that the man who intends to apply for it shall have the Chief Justices recommendation testifying the knowledge and probity of the candidate and before obtaining such recommendation the Chief Justice did commonly examine the candidates. The recommendation and license obtained in consequence of it doth often restrict the candidates practice to the inferiour courts only and such must obtain new recommendations and license before they are allowed to practise in the higher courts of judicature. The other or higher kind of license is without limitation and the party obtaining it may act as attorney and counsel in all the courts of law and as solicitor and counsel in the courts of equity in the province. These licenses have been often granted during pleasure of the governor only but notwithstanding of this clause it has been

determined in our superiour court upon good deliberation that they ought not to be deprived of the exercise of their profession unless good cause is assigned and proved, since with no propriety it can be called an office, being no more than a license to follow a profession in which every man is at liberty to imploy him or not according to the opinion he entertained of the knowledge and honesty of his lawyer. It is computed that there is about forty five lawyers who practice in the several courts of judicature in this province. Out of this body the Attorney General is taken commonly, and this officer, within the province has all the powers authorities and trusts that the Attorney and Solicitor General of England have in that kingdom, He hath a yearly salary of eighty pounds sterling per annum from the crown but none from the province, indeed this officer has been in use hitherto to receive twelve pounds current money of the province for every superiour court where he attended either by himself or deputy to defray the charges of his journeys, but the Act of Assembly whereby this was given is now expired so that at present neither this officer or the Chief Justice have any establishment but their fees from the province. His fees upon the different services by him performed are settled by the Act of Assembly so often mentioned. He may and does act by deputy in those courts where it is inconvenient for him to attend in person, the most distant courts are therefore generally those which he thinks himself privileged to decline, and it is not to be expected that any but the younger practicers will act as his deputies, it may be therefore feared that in those courts criminals may often evade the justice of the law. The danger might perhaps be avoided by the appointment of a Solicitor General, the circuit would be divided between the attorney and him, the crown business be always the immediate attention of one of them, and the other alternately wait the governor's commands. To the office of Solicitor General no country fees are annexed under the present laws, but as the duties will be equal to the attorneys the propriety of a proper salary may be found expedient. The Attorney General at the time of the establishment of his eighty pounds sterling salary had only Wilmington, Newbern and Edenton courts to attend and the erection of the two back country courts has sufficiently increased the circuit to give equal employment to the Solicitor General and still leave the Attorney his original duty. He has a deputy in every inferiour

court of the province who prosecutes or defends on behalf of the crown in such actions civil or criminal as come before these courts when the crown is concerned.

In every county in the province there is a Sheriff who is an officer of trust and importance in the country. This officer is furnished with a list of all the taxable persons in his county, that is all the white males above sixteen years of age and all molattoes, masters and slaves male and female above the age of twelve, and by this list he collects all the publick or provincial poll, i. e. The poll tax imposed by act of Assembly together with the county tax being that imposed by the justices of the peace in the inferiour court upon their several counties for contingent charges within the county and the parish tax being that imposed by the Vestry for the behoof of the minister and other parish charges. This officer has the power vested in him of distraining for all these taxes and a fee of two shillings and eight pence currency for every distress. He must be a freeholder residing in the county of sufficient circumstances and must find surety for one thousand pounds sterling that he shall faithfully discharge the duties of this office and account for and pay all publick and private monies by him received as sheriff. This officer executes and serves all writs issued in the Kings name of whatever nature they are against persons lands and goods in the county and makes returns of these writs. He it is who exposes to sale all goods and chattels, lands and tenements sold in his county by order or decree of any court of law or equity. For serving and executing all writs he has certain fees allowed him by Act of Assembly in April 1748 and for all sales he has a commission not exceeding two and one half per cent or six pence in the pound of the price of the goods sold, and for all publick monies by him received he has a commission of eight per cent allowed him. He is chosen or appointed in the manner already described annually, but the same person may be elected and continued in office for an indefinite number of years with this limitation that he can only continue in office two years unless at the expiration of that time he shew certificates or receipts from the treasurer by which it may appear that he hath settled with that officer for the publick taxes by him collected in his county.

The publick Register is an officer established by an Act of Assembly passed in the year 1715. By this act of Assembly all conveyances of land or other real estate (mortgages excepted) in

whatever form they are drawn shall within one year from the date either be proved by one or more evidences upon oath or acknowledged by the grantor in a court of judicature or before the Chief Justice of the province for the time being or one of the associate justices, and the court or justice before whom such probate or acknowledgment is made shall certify it, after which the deed and certificate which is commonly wrote at the foot or on the back of the deed is carried to the register of the county in which the lands or other real estate do lye and by him registered in a book kept for that purpose and then given back to the party with a certificate endorsed upon it, importing that on such a day, such a deed was by him registered in such a page of such a volume or book of the county register. This is the method prescribed for registering deeds of real estate, and is the only mode in practice at this day. Such therefore is the business of this office in every county. As to mortgages of real estates there is no necessity for registering them but it is eligible to do it, since the first recorded will be preferable to any other although these others should be prior in date unless the eldest in date is registered within fifty days of its date. At the first institution of this useful officer by the Act of Assembly last mentioned, three persons were elected by the freeholders of each county in the province and sent to the Governor for the time being and out of the three he made choice of one for the office, who found surety for his faithful discharge of it and continued in office for an indefinite time, probably during good behaviour. This manner of appointing the Register soon fell into disuse and by the failure of the freeholders to elect agreeable to the Act of Assembly, the power of appointing devolved upon the Governor who in fact for these many years past hath appointed this officer in every county of the province to hold his office during pleasure and by that tenure the office is held. The fees of this officer was ascertained for the first time in April 1748, although the office itself is as old as the year 1715. There is no regular register of births, burials or marriages kept in any county in the province although prescribed by some of our acts of Assembly and a fee established for it. The reason of this neglect is chiefly owing to the extensive residence of most of the parishioners from the parish clerks or readers in their respective parishes or counties many of which are from forty to fifty miles square and upwards, besides most families having a private burying place on their plantations.

The office of Coroner here is exactly the same as in England with this difference that he is appointed by the governor during pleasure. His fees are regulated by the Act of Assembly in *anno* 1748 and he serves all process against the sheriff.

The publick roads are immediately under the care of the justices of peace and of those inhabitants of a county living nearest to a publick road a company is formed whose business it is to keep that road in repair for such a certain distance and over this company an overseer is appointed so that every county may be said to be divided into companies for keeping the several high roads in repair. For making new roads each company consists of a greater or lesser number according to the task assigned them and every company has an overseer whose business it is to call them out or summon them twice a year or oftener as may be necessary to work upon the road, and he attends when at work and whoever neglects to attend the overseer when summoned or to work on the road when by him called on, forfeits two shillings and eight pence for every days absence to be recovered upon complaint to a justice. These officers are annually chosen by the justices of peace and while they are in office, are exempted from all other publick service, such as attending as jurors &c but have no reward for their services.

A description of the powers and authorities of the Justices of Peace has been given in the account of the inferiour court and the Constables to every purpose are of the same nature as those in England.

The Produce of this colony has been with some justice thought of a worse quality when exported than that of its neighbors, entirely occasioned by the slovenly way of coopering, dressing, pickling and filling the commodity for exportation and to the fraud and deceit of those who make the goods. A remedy to this great evil has been attempted by a law passed in *anno* 1764 whereby it was enacted that all hemp, flax, flaxseed, pork, beef, rice, flower, butter, tar, pitch, turpentine, staves, heading, shingles, lumber, tanned leather, deer skins, and indigo exported out of the province shall previous to such exportation be inspected by an officer for that purpose created and called an Inspector. This officer at his entering upon his office is sworn to be diligent and faithful in the execution of it and gives bond and surety to the amount of five hundred pounds currency that he will be so. His business is to inspect all commodities offered for exportation, to receive such as are fit, and if in cask to brand such cask with his brand and if not fit for exportation to reject them

as insufficient, and by the Act of Assembly he has a moderate fee upon all goods inspected and by it effectual care is taken that none be exported that is not in the first place inspected. In some of the counties there are two, three or more of these inspectors and in those counties at a great distance from the ports there are none at all. These officers are appointed every year (or oftener in case of vacancy) by the justices of peace of the several counties and if complaint is made against any of them for bad behaviour, such may be removed every three months by the inferior court held at that time. These judges themselves in their counties make a great part of this produce for exportation or buy it in the first instance from the planter who makes it, by which means the salutary effects of this law are in a great measure frustrated since the most probable method an Inspector can take to lose his office is by being faithful and diligent in the execution of it. The truth is an Inspector may reasonably expect to lose his office at the next inferior court if the produce of a popular justice is rejected as insufficient or if the Inspector prove so untractable as to refuse the use of his brand to the justice to inspect his own commodity.

The Clergy had never any regular and certain establishment till the Act of Assembly in May 1765. This act entitled the ministers to receive one hundred and thirty three pounds six shillings and eight pence per annum and obliged the vestry to supply them with a glebe of two hundred acres of good land and to build a mansion house and convenient out houses for the residence of the minister, or for want thereof to pay him twenty pounds annually in lieu of them. By the said act the ministers are intitled to certain fees mentioned therein for marriages and giving certificates thereof and for funeral sermons. As no provision is made by the act for the presentation of the minister it devolves to the crown and is delegated to the governor for the time being by his Majesty's instructions. There are thirteen ministers now in the province seven of whom have received letters of presentation and induction from the present governor.

All military provincial and militia officers are appointed by the governor under the great seal of the province and hold their commissions during pleasure: The militia is appointed by Act of Assembly in 1764. This act constitutes a regiment of militia for each county. The number and strength of each company is determined by the number of free men and servants within the

county between the ages of sixteen and sixty, who are not particularly exempted from mustering by the said Act of Assembly.

The several articles of duty or service from which fees become due to the officers before mentioned together with the fees annexed to those articles of duty are in general omitted, reference being had to the acts of Assembly for establishing these fees particularly the Act passed in April 1748 for regulating the officers fees in the province.

Whenever money is mentioned in the foregoing paper, unless sterling money is expressed, must be supposed to be the currency of the country which is legally 33 & $\frac{1}{3}$ in value below sterling, but in fact is eighty according to the course of exchange, that is one hundred pounds sterling is legally no more than one hundred and thirty three pounds six shillings and eight pence currency, but in fact is worth one hundred and eighty pounds according to the present course of exchange.

It only remains to observe that a naval officer is established who appoints a deputy at each of the ports of Brunswick, Beaufort, Bath, Currituck and Edenton, a Collector at each of the ports of Brunswick, Beaufort, Bath, Edenton and Currituck, and a Comptroller at the ports of Brunswick and Edenton only the duties of these officers are purposely omitted here, as they are governed in the execution of their several offices by the several acts of trade, and the instructions they receive from time to time from their respective Boards, to whom they transmit quarterly accounts of their entries, clearances and all occurrences which happen in their several departments,

NORTH CAROLINA 1767:

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 15.]

Letter from Governor Tryon to the Board of Trade.

NORTH CAROLINA
BRUNSWICK 30th June 1767

MY LORDS

In a Decree in the Court of Vice Admiralty of this Province condemning the Sloop *Lucy*, seized by Captain Morgan of His Majestys Sloop the *Hermit*, having foreign Rum on Board, it was ordered among other Things, that the Collector for the Port of Beaufort

should receive the duties of four Pence per Gallon on all spirituous Liquors on board the said Sloop, agreeable to an Act of Assembly recited in the Decree. As this is the first Instance of any duties being paid for Cargoes condemned here, and seems contrary to the Intention of the Act of Parliament of the fourth [year] of His present Majesty's Reign I took M^r Jones the Attorney General Opinion upon the Legality of this part of the Decree, and afterwards sent to the Judge of the Court to send me at large his Reasons for such an Order.

Having obtained these Informations, I have the Honor to Transmit them to your Lordships, together with the Minutes and decree of the Court, requesting His Majesty's Commands what further steps I should take, or what Conduct observe in any future Cases similar to this.

I am my Lords &c &c^a

W^m TRYON.

[N. C. LETTER BOOK S. P. G.]

Letter from M^r Stewart to the Secretary.

JUNE 1768 [1767]

REVEREND SIR,

I received yours of the 5th of February 1767 — but a few days ago, and am much obliged to you for the concern you therein express for the return of my bad state of health. But by my many Letters since written you have before this found that contrary to my own hopes and the expectations of most of my friends (through the mercies of God) I am in a great measure for the present, relieved from my complaints whatever may be the resolution of the Society on the late clergy Law for this province, the Missionaries must patiently submit to the trusts reposed in that venerable body [which] no doubt requires that without favor or affection they keep up to the intention of their charter. But if by the late Act of Assembly the Missionaries are to be deprived of the Societies special provision; better they may all say that no such Act had ever been thought of. With the most becoming respect therefore, give the most unworthy of their Missionaries Sir leave to lay before them by you the difference between our former and present Establishment, the temper of this people relating to the Clauses for Induction and appeal and

the great difficulties they lie under in the paying either public or parish Taxes, when these matters are looked into, I am in hopes the Society will thereby be induced to keep up their List in this province, at least till better times.

In 1754, when I first came over Chaplain to Governor Dobbs the legal Establishment was £50, proclamation money, equal as Ex: was then to about £30 sterling. Goods were then reasonable and provisions 100 per cent cheaper than at this day. The circulating medium afterwards depreciating the first Assembly of Governor Dobbs raised the Salary to £80, with a discretionary power in the vestry to add to that sum, The currency still falling in 1757 another Act was passed whereby the Clergy were not to have less than £100 proclamat^a with the addition of a Glebe &c This likewise being looked on as mean and insufficient in 1763, it was raised to £133.6.8 the present established Salary, and equal now Ex: being at 75 to £82 Sterling. So that there ever has been an Establishment, though the Salaries have been different, yet the highest of these Establishments has ever been looked on, (without the assistance of the Mission) as mean and insufficient, inadequate to the fatigue, and exposing the Clergy to open contempt, the too frequent companion of low circumstances. Therefore when I first came here I found M^r Reed settled at Newbern by an agreement with his vestry at £133.6.8. and a house in the Town. But upon these terms, and in better times he had been obliged to have deserted his parish had not M^r Dobbs by laying before the Society his difficulties, induced them to take him upon their List, this the Society may further be ascertained of by referring to their abstracts, either for 56 or 57. If then S^r the parish of Newbern, known to be the most beneficial parish at that time in this province when money was plenty, on a better footing and punctually paid, was insufficient to support M^r Reed (a parsimonious saving man and without children) without the Society's special provision, certainly those that live in such parishes, where the perquisites are but trifling, the expences greater and the fatigue much more can never support themselves and maintain a heavy family charge. For my part when I first left Ireland to come over with Governor Dobbs I gave up a certain curacy of £40 a year, with the hopes and expectations of preferment on M^r Dobbs promise of being taken and continued on the Society's List, for which purpose at an extraordinary expence I went over to London, had Lord Hertford's Letters recommendatory to D^r Sherlock the Bishop of London, like-

wise Dr Arthur Smith's (then Bishop of Donno) Letters, demissary and recommendatory together with Governor Dobbs to the same purport. These with my Letters of Orders and Testamonium as Master of Arts from Dublin College together with my abilities were examined by Dr Nicolls now a living member of the Society, and no doubts are upon record in the Registers Office. Shortly after this and a little before Governor Dobbs, I came over to Newbern to provide for his family. This was the parish I expected but finding it filled, I settled in the Parish I am now in, and at the same yearly Salary as Mr Reed though short in other emoluments and of more difficult and extensive duty. Thus I continued near two years, but the county being divided, and my salary thereby becoming burthensome I agreed to take £100 currency per annum from the Vestry, and they granted me Letters of presentation to the Governor. But the right of Institution being not then in the crown, for want of proper Church Officers, the whole Vestry received me in Form into their Church, and declared me inducted by signing an Instrument of Writing to that purpose.

Pardon me Sir for being thus tedious; my only motive to it was that the Society might thereby know that the Establishment was equally certain and the Salary much the same formerly as under the present Act of Assembly. The only difference is the change of our Master from the people to the Crown and an Appeal to the Bishop of London from the Sentence of the provincial Governor &c. But this is all vainish, for the expence of an Appeal would be so very great that unless for the sake of reputation for the Emoluments of a parish not even the most innocent would attempt it. — Besides tis worthy of observation, that there has scarcely been a man of any character, the Missionaries excepted, that has remained here for any length of time. The duty is so much less, and the Salaries so much better in all the provinces round us, that they are held but for a season and quickly take their flight, Nay, some of the Missionaries (Mr Morton lately) have removed for those very reasons.

Had not Governor Tryon push'd the clause for Induction in his first Session of Assembly, when the people were a little complaisant it is more than probable that it had not yet been granted. In some counties they have refused his clerks; in others the Vestrys have fixed rather than qualified. In others of which this is one we have neither Sheriffs nor other Tax Officers, and in all they are on the shift and double how to get clear of every public expence. In short

so great is the distress of the people for want of a currency, that Mobs and Riots are frequent, and in many places where there are Officers they dare not distrain for any Dues whatever. This sensibly affects every person whose dependance is on the public particularly the Clergy whose hands are tied up from every opportunity of relieving themselves not only by this office but by the extent and rarity of their Duties, nay where even the people are well affected toward the Clergy, they cannot pay them for want of money. This then being the true state of this province at present, what have the Clergy gained by the late Law? It is true they have the name of an Induction, equally before certain, and that they have changed their Masters, the people for the Crown. But notwithstanding this the Vestries have many subterfuges, many things in their power, which it is not in the power of any Governor to foresee or prevent. This Sir is our gain: and our loss is like to be the Society's special provision by much the better half of our support and that at a time when there can be no dependance on any provincial Salary.

The other part of our provision (viz a Glebe of not less than 200 acres, a house 36 by 18 ft &c) though it may sound largely in England yet here is of little consequence. The Glebes hitherto purchased have been mean, barren unimproved Lands, the houses built, such as they build generally in their Towns to save Lots; merely to be within the letter of the law. The burthen of clearing the Timber off such Lands and of making them fit for agriculture is the part of the Incumbent. This is a work of Time & expence, and few Incumbents are able at first coming to undertake it. Besides Lands such as are here, are easily to be acquired either from the Crown or from some person who has already patented them. In this case every man will chose to improve his own, so that the Glebe lands of consequence must remain in their natural state, till all the rest of the valuable part of the parish is improved. That may be an advantage on a future day. But for this century I dare say no Clergyman will settle himself on an unimproved Glebe, when he can either purchase for himself, or rent from others; Lands already improved at a low value. My Glebe is the most valuable one in this Province at this time, it was granted to this parish in 1706 at the first settling of this County it is good Land and about 300 acres, yet this Glebe remained in that condition till within these 7 years that upon the Vestry's agreeing to build me a tolerable House, I obligated myself to clear and improve 25 acres,

and to give £40 towards furnishing the house. This accordingly was done, and I lived there two years and some times reside there yet, yet this Glebe I say and house which some time ago would have sold for 400 sterling, will not at present bring £5 sterling Rent, and is of no further use to me than a place for Saturdays when I preach at the Church, as I was advised to leave it on my health's account, and to reside on a more open plantation on the South side of Pamplico as much in the centre of my business as the Glebe.

But I would not be too pressing in these matters, neither should I have said thus much on my own account, who am not nor ever was through the goodness of God in suffering circumstances but in very pity to those of my brethren whose Lot may not have fallen in so fair a ground. It is true I should sensibly feel the want of the Society's special provision as I have a family if here I continued but that could not be long unless I determined to injure that family by adding to the losses already sustained by sickness and other unavoidable casualties. The Society's favors have been more than sufficient for my poor services, that I either have or hereafter shall be able to perform, and therefore I most gratefully return them my thanks for all indulgences and particularly for their assurance of not deserting me till our Government had securely provided for me. That may already be thought to be done by the late act of Assembly, but how insufficiently every person acquainted with the nature and circumstances of this Colony may properly judge. The want of some current medium renders it impossible for the people to pay the smallest established Salary, and when paid the high advance upon Goods, the insufficiency of our exports, and the badness of our staple and navigation, render the N. Carolina Salary of a nominal Hundred pounds Sterling scarcely equal to £40 Sterling in S. Carolina: Virginia or any other of the Northern Provinces from whence we are supplied with most of the articles for clothing and house keeping at about two for one.

When you consider how deeply I am like to be interested in the Society's resolutions, I hope this long letter will meet with indulgence, and shall therefore make use of the remainder of my paper to inform you that the state of my parish is much the same this season as last, and that I am Reverend Sir—

Yours &c.
ALEX^r STEWART.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Earl Shelburne

N^o 2.BRUNSWICK 4th July 1767.

By the enclosed reports of the Committee of both Houses met at Newbern to state and settle the publick accounts of this province at the last General Assembly, his Majesty may observe the low state of the publick fund of his colony of North Carolina. I have taken every publick and private opportunity of recommending a stricter examination into the Treasurers' receipts and disbursements of the publick money, and the urgent necessity of establishing order and more compulsive regulations for the several receivers or collectors of the public money. The Treasurers have hitherto shewn so much illjudged lenity towards the Sheriffs that upon a medium the Sheriffs have embezzled more than one half of the public money ordered to be raised and collected by them. It is estimated that the sheriffs arrears to the publick amount to forty thousand pounds proclamation money, not five thousand of which will possibly ever come into the treasury as in many instances the sheriffs and their securities are either insolvent or retreated out of the province. The treasurers lenity or rather remissness in the material part of their duty I construe to be founded on a principal of caution, for by not suing the sheriffs in arrear they obtain a considerable weight of interest among the connections of these delinquent sheriffs and which generally secures them a re-election in their offices when expired. I flatter myself some better regulations will be established at the next general assembly prorogued to the second of December before which time I much wish to be honoured with his Majesty's commands relative to the claims of the Council and Assembly in the nomination of the treasurers as recited in my letter of the 31st of January last, as also in the Journals of both houses.

I have the honor to be, my Lord &c.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Earl Shelburne.

N^o 3.BRUNSWICK 5th July 1767.

In a decree in the Court of Vice Admiralty of this province condemning the sloop *Lucy*, seized by Captain Morgan of his Majesty's

sloop the *Hornet*, having foreign rum on board it was ordered among other things that the Collector for the port of Beaufort should receive the duties of four pence per gallon on all spiritous liquors, on board the said sloop agreeable to an Act of Assembly recited in the decree. As this is the first instance of any duties being paid for cargoes condemned here and seems contrary to the intention of the Act of Parliament of the fourth [year] of his present Majesty's reign, I took Mr Jones the Attorney General's opinion, upon the legality of this part of the decree and afterwards sent to the judge of the court to send me at large his reasons for such an order.

Having obtained these informations I have the Honor to transmit them to your Lordship, together with the minutes and decree of the court requesting his Majesty's commands what further steps I should take, or what conduct observe in any further cases similar to this.

I am, my Lord, &c

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Earl Shelburne

N^o 4.

BRUNSWICK 7th July 1767

In the sketch of the Polity of this province, the court of Exchequer is mentioned as a court that has never been recognized in the country, though there is a Baron of the Exchequer under his Majesty's appointment: on this head I must desire leave to observe, that the Court of Exchequer has been often opened, yet no business has I am told been ever done there, nor is such a court, in the opinion of the Chief Justice, under the present circumstances of the country necessary, though he allows it may be so hereafter, I should therefore humbly submit the expediency of keeping up the office of the Baron on the annual salary of £40 sterling per annum and to take off the £30 a year allowed him for the expence of opening the court untill the crown should think it necessary to recommend to the General Assembly the establishment of the court. By supporting this officer the executive power would have an additional stay, and possibly it might be found easier to get the court established while the officer exists, than if he was now to drop and a recreation

made when the establishment of the court shall be found to be wanting.

The establishment of Comptrollers for Brunswick and Roanoke ports in this province have been found by experience to be useful, and as there is no such officer established for port Beaufort where the district is very wide and extensive, I must with deference recommend the expediency of establishing a Comptroller for that port, as the trade and town of Newbern are increasing very fast.

I beg leave my Lord to recommend Mr John Hawks to be Comptroller of that port. He is the person that superintends and directs the construction of the governors house at Newbern, and I am persuaded would execute the office of Comptroller with ability, diligence and integrity; an office that would be not very incompatible with his present undertaking, as the vessels coming into Port Beaufort make their entries to the Collector at Newbern.

I am &c^a.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Earl Shelburne

N^o 5.

BRUNSWICK the 8th July 1767.

Your Lordship will receive inclosed a list of the taxable persons of this province agreeable to the returns made by the respective county court clerks. As the returns made to me for the year 1765 are more complete than for the year 1766 I have given the preference to the former at present returning on the lists of taxables for that county for 1766 which made no return for the year 1765. This will represent to your Lordship very nearly what were the effective number of taxables in the year 1765 in this province.

These returns which are carried only to the total column, do not in the clerks returns distinguish the white and black taxables. [See *ante* pages 145 and 288. — EDITOR.]

I must assure your Lordship the obtaining the above returns has been attended with very considerable trouble, the executive branch of government having no control over the county court clerks. The inconveniency and impropriety attending the want of which power, I have stated in my letter to your Lordship bearing date the seventh of March 1767.

I am, my Lord, &c^a.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Earl Shelburne.

N^o 6.

BRUNSWICK 8th July 1767.

The inclosed dispatches will inform your Lordship, I carried into execution in part my intention of attending the running of the dividing line as therein recited, which I should have gone through with if the Indians had joined me the 16th of May agreeable to my appointment.

My talk to the indians will explain the motives that made it necessary for me to return to Salisbury before this service was completed. The disappointment I complained of was owing to Mr Stuart by the confession of Mr Cameron, who told me Mr Stuart had appointed the Indians to be at Reedy river the 16th of May, in lieu of meeting me at Salisbury, distant from each other one hundred and eighty miles. Indeed I thought it very extraordinary after the requisitions I made Mr Stuart, and the fair promises he made of meeting me on this very important duty, at Salisbury, or on the frontiers, that he should omit joining this service. I was creditably informed, that after he returned to meet the Creeks, who had disappointed him in point of time, he left Augusta the 30th or 31st of May and as that town was but four score miles from Reedy River, he had ample time to meet me as the line was not begun to be run till his Majesty's birth day, a day I fixed upon as auspicious and memorable; indeed I could not help expressing to Mr Cameron my great disappointment in not meeting the principal in his department on that service.

Every publick matter and transaction on this service being set forth in the public orders, the journal of the escort and the other papers, in this dispatch makes it unnecessary for me to repeat them.

I wish my Lord his Majesty may be informed that of the fifty men [who] escorted me, I had not occasion to reprehend one officer or man during the time they were on that command; what they wanted in discipline they made up by a strict observance and willing obedience to all orders delivered to them. Each man had his rifle gun, and their general uniform and appointments were a carters frock, indian match clouts (in lieu of breeches) moccasins (for shoes) and woolen or leather leggins, the latter were necessary to prevent the bite of the snakes of which we saw a great plenty.

It was with a very sensible satisfaction I found on those hilly or back settlements a race of people, sightly, active, and laborious, and loyal subjects to his Majesty. The face and produce of that country and the industry of the inhabitants may be the subject of a future letter, The heats were so extreme that I killed one horse and left upon the road every other I took out on this expedition.

As soon as the commissioners return and report the services they have performed, I shall transmit them to your Lordships with these dispatches.

I am My Lords &c

[FROM MS. RECORDS IN OFFICE OF THE SECRETARY OF STATE.]

COUNCIL JOURNALS.

At a Council held at Brunswick 11th July 1767.

Present

His Excellency the Governor.

| | | | | |
|------------|---|-----------------|----------------|------------|
| The Honble | { | James Hasell | William Dry | } Esquires |
| | | John Rutherford | and | |
| | | Lewis DeRosset | Benjamin Heron | |

His Excellency was pleased to communicate to this Board a Letter from the Earl of Shelburne one of His Majestys Principal Secretaries of State dated the 13th January 1767 informing him that it is his Majestys pleasure, He transmit home a list of the established Fees of the different offices in the Colony, particularly the Fees and other charges attending Grants of Lands whether legally established or received as perquisites which have got a sanction by Custom and distinguishing each. Ordered that the Secretary write to the several publick Officers requiring a list of those fees accordingly.

Then His Excellency informed this Board that he had received a notification from the Earl of Shelburne, That the Honble James Murray Esquire was restored to his seat in his Majestys Council of this Province, And that he had directed the Secretary to give him notice thereof

His Excellency was pleased to lay before this Board several papers and talks relative to his proceedings in running the Western Boundary Line of this Province and the Cherokee Hunting Grounds, together with the deed of Ratification signed by the Commissioner,

Alexander Cameron Esq, the Deputy Superintendant of Indian Affairs, and the Warriors and Head Men of the Cherokee Nation, dated the 13th day of June last. Ordered that the said Deed be recorded and lodged in the Secretarys Office and that the following Proclamation issue, Viz^t

NORTH CAROLINA,

By His Excellency William Tryon Esquire &c.

A Proclamation.

Whereas a partition Line has been run between the Western Frontiers of this Province and the Cherokee Hunting Grounds beginning at Reedy River where the South Carolina and Cherokee dividing Line terminates, running a north course, to Tryon Mountain of the Blue Ridge of Mountains, supposed to be sixty miles from the said River, and from the top of Tryon Mountain Aforesaid, beginning at the marked trees thereon, a direct Line to Chiswell's Mines, which said Line is established and confirmed as a dividing Line between the Cherokee Indians and this Province (until his Majestys Pleasure be further known thereon) by an instrument of writing executed between the Commissioners appointed for this Province, and the Cherokee Chiefs, on the thirteenth day of June last past.

I have therefore thought proper by and with the advice and consent of his Majestys Council, to issue this Proclamation, strictly requiring all Persons settled within the Indian Lands to remove from thence by the first day of January next: that no persons on any pretence whatsoever may disturb the said Indians in the quiet and peaceable possession of the lands to the westward of the aforesaid Line, or presume to Hunt thereon, or any other way or means to give them cause of uneasiness. And all persons who regardless of their own interest and disobedient to His Majestys Commands, shall neglect to remove from off the Indian Lands as required, or shall at any time hereafter settle thereon, will not only expose their Families and Effects to the depredations of the Indians, but also deprive themselves of the protection of this Government. And as no land will be granted within one mile of the aforesaid Line, the Surveyor General or his Deputys are forbid making Surveys or returns of Surveys into the Secretarys Office, within one mile of the said dividing Line. Any of the Inhabitants of this Province who desire to Trade with the said Indians are required to take out a Licence from the

Governor or Commander in Chief for the time being, and subject themselves to such general regulations as may be required by the Superintendant of Indian Affairs.

And as the peace and security of the Western Frontiers of this Province greatly depend upon cultivating the Harmony and Friendship that at present subsists between the several Nations of the Indians and Inhabitants thereof I recommend that all Indians who may have business within the settlements may be received in the most friendly and amicable manner and assisted with any necessaries agreeable to humanity and hospitality; as all injuries and violence offered them will be prosecuted with the utmost vigour of the Law: the Indians having promised a kind and friendly treatment to all white persons that may have occasion to go into their Nation.

Given under my hand and the Great Seal of the Province at Brunswick, the 16th day of July 1767, and in the Seventh year of His Majesty's Reign.

WILLIAM TRYON.

By his Excellency's Command

BENJAMIN HERON.

God save the King.

At a Council held at Brunswick 12th July 1767

Present

His Excellency the Governor,

The Honble { James Hasell Lewis DeRosset and } Esquires
 { John Rutherford Benjamin Heron }

His Excellency Ordered a proclamation to issue for the apprehending and bringing to Justice certain Gangs of Horse Stealers and Rogues harbouring near where the dividing Line of this Province and that of South Carolina is supposed to run when extended to Reedy River.

NORTH CAROLINA

By His Excellency William Tryon Esq &c &c
A Proclamation.

Whereas frequent complaints were made to me while in the back settlements of this Province as well by the Inhabitants as the Cherokee Indians of Gangs of Rogues and Horse Stealers, who in defiance of the Laws harbour themselves near where the dividing Line of this Province and South Carolina is supposed will run, when

extended to Reedy River; to the great molestation and damage of the Inhabitants of both provinces.

I have therefore thought proper to issue this my Proclamation strictly commanding and requiring all Officers Civil and Military within this Government, to be aiding and assisting with the utmost diligence in the apprehending and bringing to Justice such Offenders.

Given under my hand, and the Great Seal of the Province at Brunswick the Sixteenth day of July 1757, and in the seventh year of His Majestys Reign.

WILLIAM TRYON.

By His Excellencys Command

BENJAMIN HERON, Secretary.

The Honble John Rutherford Esq one of the Commissioners for running the dividing Line between this Province and the Cherokee Hunting Grounds appeared at this Board and swore to the deed of Confirmation of the Partition Line, Ratified by the Commissioners Mr Cameron and the Indian Chiefs, and also to the substance of the Talks of Juds Friend, and the Young Warriour of Estatoe as also to the Commissioners Answers to the aforesaid Talks

Then appeared before this Board Isaac Edwards Esq^r private Secretary to His Excellency and swore to the substance of Juds Friends talk given to His Excellency the Governor on Tyger River the second day of June last

His Excellency communicated to this Board His Majestys 109th Instruction, and in obedience thereto was pleased to order a proclamation to issue notifying the same, and commanding a strict obedience thereto — Viz^t.

By the King.

A Proclamation;

WHEREAS Complaint hath been made unto Us, by the several Nations and Tribes of Indians bordering upon our Colonies and Plantations upon the Continent of North America, of unjust Claims and incroachments upon their Lands; We have thought proper to give the following instructions to our Governor of North Carolina Viz^t

Whereas the peace and security of our Colonies and Plantations upon the Continent of North America, does greatly depend upon the amity and alliance of the several Nations or Tribes of Indians bordering upon the said Colonies; and upon a just and faithful

observance of those Treaties and Compacts, which have been heretofore solemnly entered into with the said Indians by our Royal Predecessors, Kings and Queens of this Realm, And whereas notwithstanding the repeated Instructions which have been from time to time given by our Royal Grandfather, to the Governors of our several Colonies upon this head, the said Indians have made and do still continue to make great complaint that settlements have been made and possession taken of Lands the property of which they have by Treaties reserved to themselves, by persons claiming the said Lands under pretence of Deeds of Sale and Conveyance, illegally, fraudulently and surreptitiously obtained of the said Indians, And whereas it has likewise been represented unto us, that some of Our Governors or other Chief Officers of our said Colonies regardless of the duty they owe to us, and of the welfare and security of our said Colonies have countenanced such unjust Claims and pretensions by passing Grants of the Lands so pretended to have been purchased of the Indians. We therefore taking this matter into our Royal Consideration as also the fatal effects which would attend a discontent amongst the Indians in the present situation of Affairs, and being determined upon all occasions to support and protect the said Indians in their just rights and possessions, and to keep inviolable the Treaties and Compacts which have been entered into with them, do hereby strictly enjoin and Command, that neither Yourself, nor any Lieutenant Governor, President of the Council or Commander in Chief of our said Province of North Carolina do upon any pretence whatever upon pain of Our highest displeasure and of being forthwith removed from Your or His Office, pass any Grant or Grants to any Persons whatever of any Lands within or adjacent to, the Territories possessed or occupied by the said Indians, or the property or possession of which has at any time been reserved to, or claimed by them, And it is Our further Will and Pleasure, That you do publish a proclamation in Our Name, strictly enjoining and requiring all persons whatever who may either willfully or inadvertently have seated themselves upon any Lands so reserved to or claimed by the said Indians, without any Lawful Authority for so doing, forthwith to remove therefrom, And in Case you shall find upon strict inquiry to be made for that purpose that any Person or Persons do claim to hold or possess any Lands within our said province upon pretence of purchases made of the said Indians, without a proper Licence first had and obtained either from us or any of our royal Predecessors or

any Person Acting under Our or Their Authority, You are forthwith to cause a prosecution to be carried on against such person or persons, who shall have made such fraudulent purchases; to the end that the Land may be recovered by due Course of Law And whereas the wholesome Laws which have at different Times been passed in several of our said Colonies, and the Instructions which have been given by Our Royal Predecessors for the restraining persons from purchasing Lands of the Indians without a Licence for that purpose, and for regulating the proceedings upon such purchases have not been duly observed, It is therefore our Express Will and pleasure that when any application shall be made to you for Licence to purchase Lands of the Indians you do forbear to grant such Licence, until you shall have first transmitted to us by our Commissioners for Trade and Plantations the particulars of such application as well in respect to the situation, as the extent of the Lands so proposed to be purchased and shall have received our further directions therein,

And it is Our further Will and Pleasure that You do forthwith cause this Our Instruction to you, to be made publick, not only within all parts of your said province inhabited by Our Subjects, but also amongst the several Tribes of Indians living within the same to the end that our Royal Will and pleasure in the premises may be made known; and that the Indians may be apprized of our determined resolution to support them in their just rights, and inviolably to observe our engagements with them —

Witness our Trusty and Well beloved William Tryon Esquire Our Captain General, Governor and Commander in Chief, in and over our said Province at Brunswick the 16th day of July in the seventh Year of Our Reign Anno Domini 1767

God save the King.

[FROM MS. RECORDS IN OFFICE OF THE SECRETARY OF STATE.]

HILLSBOROUGH July 13th 1767.

M^r Richard Bennehan, *

SIR,

I wrote to you by M^r Thom in May last and, desired a Chair to be made for me against Cap^t Thackston should go in again, if it is

now finished he will receive it of you for me, and I will pay you for it next March Superior Court at Halifax. If it should not be in readiness now, I would not choose to take it, as it will not again be in my power to get it till after the warm Season is over.

If you would send me some good double Gold lace for a Hat, and some Narrow double Gold D^o for a Jacket plain Narrow and good, and also best Duroy for a suit of Clothes and Trimmings it would Oblige me much, and I would pay you for them on sight with pleasure.

I have received no Orders in your Business since I saw you at Halifax.

I am Sir, yours &c

EDM^d FANNING

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 23.]

JULY 13th, 1767.

Additional Instructions to Our Trusty and Well beloved William Tryon Esquire, Our Cap^t General and Governor in Chief in and over Our Province of North Carolina in America. Given at Our Court at S^t James's the ----- day ----- of 1767, in the Seventh Year of Our Reign.

WHEREAS We have been pleased to signify Our Approbation of an Act passed in Our Province of North Carolina in May 1765 for establishing an Orthodox Clergy, and whereas no Provision is made therein for supporting such Clergymen as may be appointed to officiate during the Suspension of any Minister from serving the Cure of such Parish, whereof he was incumbent; It is therefore Our Will and Pleasure, that you do recommend to the Council and Assembly of Our said Province to pass an Act, explanatory of the aforementioned Act, intituled, "An Act for establishing an Orthodox Clergy;" providing, that, when the Incumbent of any Parish shall be suspended, the whole or a reasonable part of the Proclamation Money allowed to such Incumbent shall be paid to such deserving Clergyman, as shall be appointed to officiate during the Incumbents Suspension.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Earl Shelburne.

N^o 7.

BRUNSWICK 14th July 1767

Mr Rutherford waited on me at Brunswick the ninth instant on his return from running the dividing line between this province and the Cherokees. The several papers he delivered me I have the honor to inclose to your Lordship, with a testimonial affixed to them, and the seal of the province annexed.

The Commissioners appear to have exerted themselves in the execution of this service. Mr Rutherford told me that some of the head springs of the western waters that lead into the Mississippi were not more than three or four miles to the westward of where the line stopt, on a mountain of the blue ridge, which they named Tryon mountain, alluding perhaps to the province's expectations of stretching hereafter further to the westward.

The Cherokees while I was with [them] honored me with the name of Ohaiah Equalh, or Great Woolfe, a name the Commissioners made familiar to them, in their talks to the indians.

I called a Council the eleventh, and by the minutes of the same which accompanies these dispatches, your Lordship will see the proclamations that were issued in conformity to his Majestys instructions and to notify the settlement and ratification of the above line.

There are some other boundaries that much want to be ascertained between this and the neighbouring colonies, but these shall be treated of in a future statement

I have the honor &c

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to the Board of Trade

BRUNSWICK 15th July 1767.

The service I have been upon to ascertain with the Indians a boundary line between the western frontiers of this province and the Cherokee hunting grounds, was completed the 13th of June last, by the commissioners I appointed to carry into execution the said

service. The deed the commissioners executed jointly with the indians, together with every other paper and matter relative to this business, I have transmitted to his Majesty's Secretary of State, to whom I beg leave to refer your Lordships, and to the minutes of the Council I now transmit to your Lordships up to this day.

The line was begun and run from where the dividing line between South Carolina and the Cherokee hunting grounds terminated on Reedy River, steering a north course into the mountains, computed to be sixty miles from the said river. Upon finding it impossible to proceed over the mountains, it was agreed in the above mentioned deed, that a direct line from the mountain they stopt at (named Tryon mountain) to Chiswell's mines, should with the line they actually ran, be the boundary between this province and the Cherokee nation: This line it is supposed will run along the ridge of the blue mountains, its course to the eastward of north, and distant sixty or seventy miles from the mountains to the mines.

I have the honor &c^a

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Earl Shelburne

N^o 8.

BRUNSWICK 15th July 1767.

The receipt of your letters of the 13th of September 1766, and the 19th of February 1767 N^o 3, I have the honor to acknowledge.

The dispatches I now transmit, containing the proceedings that were had in carrying into execution the partition line, between the western frontiers of this province and the Cherokee hunting grounds, I flatter myself will effectually answer his Majesty's gracious intentions (communicated to me in the above letters) of maintaining peace and harmony between his Majesty's subjects in this colony, and the bordering indians under his protection.

While I was in the back settlements, I made it one particular object of my journey there, to learn if any violences had been committed by the inhabitants of this province on the indians, and even asked the Cherokees if they had any complaints against them. The young warrior of Estatonee informed me, one of his men had been whipped by an inhabitant in the settlements, but that he now should think no more of it, This my Lord, was the only injury I

could find, had been done the indians, since the Congress at Augusta in 1763.

I heard of many, and many instances of their being well treated at the plantations they called at, The back settlers do not show, my Lord, the least inclination to abuse the indians, and when they do receive any injuries, it is most generally from some straggling hunters and horse stealers, who keep without the jurisdiction of the two Carolinas, for want of the boundary line which stopt to the eastward of the Catawba nation in 1764, being continued a west course to Reedy River, which would effectually inclose the two provinces, and prevent those disorders which the inhabitants in those parts now unhappily experience, I hope therefore my Lord, his Majesty may be satisfied that the violences reported to have been committed on the indians, by this colony, have been injurious to the province, as they are ill founded

I am, my Lord, &c^a

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to the Lords Commissioners for Trade and Plantations

BRUNSWICK 15th July 1767.

Among the several despatches I had the honor to transmit to your Lordships, relative to the proceedings of the last general Assembly held at Newbern in November last, I omitted acknowledging the receipt of your Lordships letter, bearing date November 29th 1765, wherein was inclosed his late Majesty's instructions to Governor Dobbs, dated Kensington, the ----- day of ----- 1759. This despatch did not reach me till the meeting of the above Assembly, and as the Act for the edifice for the governor, for the time being was then in agitation, I did not attempt to get the amendments in the Act of Assembly passed in 1754, carried into execution, not seeing the same necessity for such a measure, as when the instruction was sent to Governor Dobbs. I esteemed it very material for the credit and interest of this province that the governor should have a fixed and commodious place of residence for doing publick business: The itinerant publick Assemblies having been a great source of the contentions in this province.

When Governor Dobbs received his Majesty's instructions above recited it was the practice of the courts of law upon the recovery of any sum due, to give judgment for the debt to be paid, not *ad valorem* of the then exchange of proclamation money, but according to its legal tender, that of £133½ proc. for £100 sterling. This was the grievance the merchants labored under and complained of, but as that method was overruled in the superiour court of justice some time before I arrived in the province, and has ever since been constantly the practice to allow the merchant upon the recovery of his debt *ad valorem* and not according to the legal tender, the merchants can have no longer reason to complain. unless the currency is still a legal tender.

I must desire leave to refer your Lordships to Mr Waller partner with Mr Bridgen in *Puter Noster* Row, He has been many months in this province collecting his debts and is but just returned to England. He will be able to give your Lordships better information of the nature of the trade between merchant and planter than I presume to do.

I am &c.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to the Earl of Shelburne.

N^o. 9.

BRUNSWICK 16th July 1767.

In obedience to his Majesty's commands signified to me by your Lordship's letter, bearing date the eleventh of December 1766. No. 1. I have the honor to send inclosed the mode of granting lands in this province, with the fees that are taken in the Land office as in No. 4. The fee taken by the Governor for signing the warrant of survey, is ascertained by the number of acres in the warrant. This fee has been established by custom, before and ever since Mr Dobbs's administration, the Bill in 1748 not having made any provision for the Governor's executing the warrant.

The copy of Mr Palmer the Surveyor General's letter, will explain the manner of making a proposal for land, and the steps taken previous to complete a title to the same, all which appears from experience, to be extremely adapted to the circumstances of this country and its inhabitants. I esteem it the best regulated office in the province. Your Lordship will observe, that the crown of the great seal

is only annexed to the patent: This method has been in practice ever since the year 1750 or 1751 from an application of the inhabitants of the province, who lived remote from the Secretary's office, on account of the inconveniency and expence of getting to the patentees, the numbers of patents that were issued for the back counties, whereas in the present mode one or two horse men will take up to them all the grants that are issued at a court of claims. Another great objection to putting the great seal was its weight, which tore itself from the patent frequently before it reached the patentee, or most generally before it was long in his possession.

Their objection to having their deeds on parchment is, they say the insects and little vermin peculiar to hot climates destroying it sooner than on paper, which I believe to be the case, where the parchment is not kept in some dry place, secure from air, therefore my Lord, as I found this the practice when I begun my administration, and as these patents are daily construed to be good titles in the courts of law in this province, I have continued the same.

We labour under very considerable inconveniences, for want of the royal small seal: if his Majesty would be graciously pleased to order one to this province, I beg leave to submit it, whether the small seal might not be affixed to every grant of land for 640 acres and under, reserving the great seal to every grant of a greater quantity of land, in virtue of his Majesty's special warrant.

The other part of his Majesty's requisitions, in your letter of the eleventh of December last, I shall transmit as I can procure them. The Secretary is busily employed in copying out the patents that are recorded in his office, a work that will be attended with a length of time, and considerable extra expence, which I have promised to recommend to his Majesty to be allowed.

I am my Lord, &c.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Earl Shelburne.

N^o 10.

BRUNSWICK 17th July 1767.

I wish the inclosed estimates may fulfill his Majesty's commands, communicated to me in your letter, of the eleventh of December 1766

N° 1 is the Return of the salaries payable out of his Majesty's quit rents,

N° 2. contains the estimate of the monies raised and emitted from 1748 to the present time, and,

N° 3. states the entire establishment of his Majesty's colony of North Carolina, defrayed by provincial funds, specifying the service for which the sums were raised, and the duration of each respective fund, all of which with the thousand pounds salary allowed the governor by his Majesty, comprehends the entire establishment of this colony.

With great esteem &c^a

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Earl Shelburne.

N° 11.

BRUNSWICK 18th July 1767.

The copy of the Receiver Generals letter which I have the honor to transmit to your Lordship represents the present method observed in imposing and collecting his Majesty's quit rents in this province. This department stands in need of some further assistance, and other regulations before the receipt of quit rents can bear any proportion to the great number of patents that have been granted. Mr Rutherford estimates the arrears of quit rents due to the crown at seven thousand pounds proclamation money, but as this is merely conjecture, it is possible the arrears may be four times as much. When I am better informed of what improvements may be made in levying this material branch of the crown revenue, I will submit them to his Majesty's judgment. In the mean time should his Majesty think proper to purchase Lord Granville's district, it would more than treble the value of the quit rents, and it is an object so extremely coveted, to a man, by the inhabitants settled there that I believe it might be productive of any law, his Majesty would propose for the better and more easy collecting his quit rents. The inhabitants in his Lordship's district dread the opening of his land office (tho' they want extremely the land) from the many impositions and abuses they have suffered by former agents, and from the many disturbances and law suits that have arose from the irregularity in the office, when it has been open. If it could be purchased for sixty thousand pounds sterling, it would be cheap, it is

certainly the most rising interest on the continent of America, tho' not in competition as to territory with Mr Pen's. His Lordships district contains nearly one degree of latitude, and better than five degrees of longitude, from Currituck Inlet to where the commissioners have just settled the western boundary, and contains a vast majority of white inhabitants settled in this province, as may be seen by the list of taxables for 1765. There is thirteen intire counties in his Lordships district, the two westernmost of which counties, contain a tract of land more than ten times the contents of Rhode Island colony, Orange county being nearly sixty miles square, and Rowan county sixty miles wide, and about one hundred and fifty from east to west, running to the blue ridge of mountains,

I am, my Lord &c.

P. S. Duplicates of the patents that have been granted, I am told have been from time to time sent home to the late Earl Granville, and the counterparts are lodged in the hands of Mr Munford one of the Treasurers of this province

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Rev^d Doct^r Burton Secretary to the Society for the Propagation of the Gospel

BRUNSWICK 18th July 1767.

Mr Barnett since my return from the western frontiers of this province informed me he had applied to the Society for Propagating the Gospel in Foreign Parts for leave to return to England on his private affairs. This information obliges me to take the liberty of communicating to the Society the impropriety I think there would be in his leaving the province in the present circumstances of the parish he is doing duty in.

Brunswick church is now finishing with great diligence and I am persuaded from the plan of supporting the expence of it and the zeal of the superintendant that divine service will be performed there in four months. As this expence is to be borne by subscription and the sale of pews the inhabitants will be greatly disappointed should Mr Barnett leave the parish after the inhabitants had at a great cost provided a decent and proper place of public worship. Add to this the impropriety of quitting his parish

early after his induction which is postponed till the church is completed I therefore submit to the society the expediency of leaving the liberty they may give Mr Barnett to return home discretionary with me. Some regard should be had to the Vestry who have it in their power to make the duty of a minister agreeable or uneasy

I am Sir &c.

[N. C. LETTER BOOK S. P. G.]

M^r Barnett to the Secretary

BRUNSWICK 22^d Aug^t 1767.

REV^d SIR

In my last to the Venerable Society (dated February last) I mentioned my fears of the Church in Brunswick remaining in the condition it then was for a long time to come —

His Excellency our very worthy Governor has been pleased to give all the sashes completed; the expence of which amounted I think to upwards of Thirty Guineas—This seemed to give some life to the design of finishing the Church; and large subscriptions were talked of. A few workmen were employed who erected a small bell-fry made and hung the doors and fixed up the arches for the ceiling—It is now about two months since they shut up the Church and I see little prospect of their setting about it again this year—

From 24th June 1766 to 24th June 1767 I baptized One hundred and forty nine White Children and nine Adults and of negroes eighteen Children and twelve Adults.

In the course of the year I ride near fourteen hundred miles to the outposts of my parish besides some occasional Journeys into some neighboring parishes to preach and Baptize on week days—The poverty of these places prevents any views of pecuniary advantages arising from the labor.

But conscious that the duty of a Missionary is more extensive than a mere parochial cure I trust I do it from principle.

Nine times in the year I preach at the Boundary House situated on the line between the two Carolinas —

Here a large congregation meets—at my first coming they were so unacquainted with the Liturgy that I was obliged to make every response myself, but I for many Sundays afterwards spent about

half an hour before divine service in explaining every part of the Liturgy and I have now the pleasure of seeing it as well performed there as in most Country Churches.

In my last letter Sir I mentioned my long and dangerous illness in this very unhealthy place, the heats are now very violent and sickness greatly prevails—

I have been lately attacked with the bilious fever but I thank God I am much better—But as I have not recovered my former state of health since my great Illness I am very doubtful of the Event of this Summer and fall.

But I pray I may submit to the will of the Almighty disposer of all events with due humility

I have been much pressed by the Physicians here to go to Bermuda or to New England for the recovery of my health—But as I have not had permission from the Venerable Society I shall not leave my mission this summer.

I most humbly beg leave of the Board to return to London next Spring on some very earnest business I ask so short a stay there as only while the Ship I come in is ready to return which is commonly about seven weeks I believe.

Be pleased Reverend Sir to present my most dutiful respects to the Venerable Board.

Yours &c.

JOHN BARNETT

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

Letter from Henry Eustace McCulloh to John Harvey Esq

KINGS-SQUARE-COURT, SOHO LONDON

13th Sept^r 1767.

Presuming upon the place which I have ever flattered myself I have enjoyed in your favorable opinion,—I do myself the pleasure to offer you a Correspondent, and as my political Intelligence will not be drawn from common sources,—it may perhaps be more satisfactory and serviceable to you.—

Politics are at this season always at a stand as the Men of Business are all in the Country;—the death of M^r Geo Townshend who was the first man in the Kingdom, for abilities as a Speaker, has for this two or three days, brought all parties to town,—tho' the Consequences have not yet transpired:—let who will be in.—

it is expected that America will be treated with Gentleness: Granville, whose obstinacy of Sentiment, does him disgrace with his best friends, will never return to power; — My Lord Bute, is in fact the first mover. — his power in the house of Lords & Commons, as well as with the King is unequalled; — he is however greatly injured in the Opinions of the Americans, if they conceive the least Apprehensions from his Influence; — My Lord Chatham is politically dead, & is not considered in the Scale of Business: — the Gout has settled in his head; — he sees nobody, — and does not know even his own family: — a second Child-hood, is the fate of most great Geniuses, and his name & memory will certainly stand foremost in the Annals of Things. — A vast struggle for Power, is expected this Winter. A Circulating medium for America, will certainly be an Object of parliamentary discussion, — there are three ways talked of, — 1st to furnish us with Exchequer bearing Interest, — to be let into Circulation, partly by the payment of the Army and Navy bills, — partly on loan to the sev^l Col^s — the 2^d — to establish a Bank for America, as an Appendage to the Bank of England, and to supply us with Bank-notes: — the 3^d (and I think the most probable and eligible) — to take the Affairs of the Colonies out of the hands of the Parliam^t and place them in their old Channel, that is, under the direction of the Crown, and the Great Boards, — by repealing the restrictive Acts — in which Case the colonies will be admitted to issue Bills, as they judge most expedient, on these conditions, 1st that they are not to exceed the *Quantum* prescribed by Parliament — nor at any time after to increase it, with^t leave from the Crown: 2^{dly} — that all debts due at the time of the Emission shall be secured in value, and not suffer by any increase of Exchange, occasioned by such Emission. — 3^{dly} — that all sterling debts & contracts, shall be paid in Value: — To these conditions I sho^d imagine the Americans could not have any very weighty objections: — but previous to anything on this head, the assent of the Colonies respectively, to these conditions; — must be signified, by an Agent properly authorized, — and without this nothing will be done: — There seems then an apparent Necessity, that either an Agent be appointed generally, or some person in whom you can place confidence, named & authorized for this *particular Service*. — If your House of Assembly conceive, that from my Knowledge of the Country, and connections here, it may be in my power to transact this *particular service* for them, — I do thro' You,

Sir,—humbly make them an Offer of my best Exertions, (in which I would not doubt Success) and beg leave to mention, that the honor of the Service is all I have in view—and if I can be happy in meriting their Approbation, I shall conceive myself amply recompensed:—and sho^d this matter be agitated, I would not have any mention made of a pecuniary Acknowledgem^t—as I would choose to have that matter left to their future discretion entirely:—my Father's knowledge & extensive Connections with almost every distinguished Character of Business in the Kingdom, (to all whom I shall be particularly introduced,) give me reason to think, that my offer of service may not be conceived improperly,—but I must intreat you as a friend to whom I have freely opened myself, that if this matter cannot be done in a manner *honorable* to me,—it is not attempted,—for my Views are entirely independent of Interest—I think I could serve you;—I am willing to endeavor it without expence to the Country,—and you are the best Judges.—My mandamus need be no objection, as I shall certainly resign it.

To the establishm^t of American Commissⁿ of the Customs, you can be no Stranger and I should conceive, is ultimately advantageous to America.

I shall expect to be often fav^d with hearing from you, and of your political Maneuvres, largely. I imagine it may be two or three Years before I visit Carolina;—it has (& justly) my best Wishes & Affections, as the spot which contains both my friends & my possessions.—

I most sincerely hope you & your good family enjoy all manner of health & happiness;—Your Character justly entitles you to the Esteem of all who know you,—and believe me I conceive myself happy in the thoughts of your friendly prejudices—should anything arise here, in my power to render you acceptable Service,—I entreat you, freely command me.

I remain with Respect

Dear Sir

Your friend, & most obed. Ser

HENRY E. M'CULLOH.

JOHN HARVEY Esq^r

[N. C. LETTER BOOK S. P. G.]

Letter from Mr Micklejohn to the Secretary.

ORANGE COUNTY NORTH CAROLINA,
St. Matthew's Parish

HILLSBOROUGH September 14th 1767.

TO THE REVEREND DANIEL BURTON GREETING.

The benefits of a just and good government to those who are so happy as to be under it like Health to Vigorous Bodies or fruitful seasons in temperate climes are such common and familiar blessings that they are either seldom valued or relished as they ought to be.

Few of us consider how much we are indebted to Government itself because few of us do or can represent to ourselves in lively colors how wretched the condition of mankind would and must be without it how to that we owe, not only the safety of our persons and the property of our possessions but our Improvement in the several arts and advantages of Civil life and in all knowledge both human and divine. When virtue holds the reins of Government it dispenses blessings without number and without measure and spreads its Influence on all around and beneath it.

We have a Governor who rules a willing People with the Indulgent Tenderness of a common parent who desires rather to be beloved, than feared by them and takes the truest care towards securing their utmost Love by shewing in every step of his conduct that he entirely loved them who hath no interest, can have no interest separate from theirs, and upon whom malice itself can never fasten a suspicion of his pursuing any measure which aims rather at his own advantage than the common good of England.

The law is as much a rule to Him as to the least of those who obey him, the first measure not only of his governing power but even of his will to govern and he makes no other use of that power with which the laws have invested him than to give life and force to them.

It is well known that Tiberius, Claudius, Nero, Caligula were not only bad princes and Governors but bad men infamous for their lust cruelty and other vices.

But how different is our case whose eyes behold a Governor who desires to bear the weight of Government as well by his virtue as

by his Birth who in that public and exalted station preserves all the innocence and sanctity of life — Who is superior to all the Temptations which a great power suggests and which nothing but as great goodness overcomes and to whom therefore; His Inferior seems to be almost as much obliged for the shining pattern of unaffected piety, which he sets them as for all the other blessings of his prosperous Government.

In fine he is by his inclination as well as by his office, the defender and friend, the Patron and nursing father of the Church established amongst us — he is a Religious Frequenter of its Worship and a steady adherent to its Interest and is prepared in the Times of greatest danger and distress to suffer with and for it.

Yours &c

G. M.

[N. C. LETTER BOOK S. P. G.]

Mr Morton to the Secretary.

CAROLINE COUNTY IN VIRGINIA Sept 17th 1767

REVEREND SIR,

I take this first opportunity of acquainting you that I have been obliged to leave Carolina on account of a bad state of health. In every other respect I was as happy there as I could expect to be. And it was no small mortification to me to be obliged to leave a Colony under the Government of that amiable and good man Colonel Tryon after receiving so many marks of his esteem. But so far was I reduced by the Ague and Fever and nervous disorders that I could have no hopes of outliving another fall in that climate.

I have therefore a few weeks ago accepted of a parish in Caroline County Virginia. And I doubt not it will give pleasure to the Honorable Society to hear that I now bid fair for health and happiness.

With the usual salary I am possessed of a glebe of 100 acres of good Land amidst a set of agreeable Gentlemen. Here the soil is dry, the Water Clear, the Air pure, and all things conspire to restore me to new health and vigour. The honorable Society may be assured that nothing but the immediate danger of life could have prevailed on me to desert my mission — This will be the more evident to them when they know that since I have been in Carolina I refused a liv-

ing in Maryland of £300 ster per annum out of an unshaken attachment to their service,

I have not drawn on the Society's Treasurer since last Christmas, and as I am in no want of money they are humbly requested to accept of my last half years salary as my mite towards carrying on their benevolent design of propagating the Gospel.

I have and shall ever retain, the most grateful sense of the society's goodness be pleased therefore to offer my hearty and sincere thanks for all their favours —

After praying for the smiles of Heaven on the Venerable Society's pious endeavours to enlarge the Mediators Kingdom. I have the pleasure to be.

Yours &c.

A. MORTON.

[FROM THE COURT RECORDS OF ROWAN COUNTY.]

NORTH CAROLINA,
Salisbury, to Wit.

At a Superior Court of Justice holden before his Majesty's assistant Judge Edmund Fanning Esq., this the 22nd day of Sept 1767.

Present — The Hon. Edmund Fanning Esq A. J., Capt Abram Alexander fined the last Court for his nonattendance as a juror — was excused. The venireys for the several counties, Rowan, Anson & Mecklenburg having been returned & called over, and appeared &c, The Court adjourned until tomorrow at 9 o'clock.

* * * * *

Ordered by the Court that Mr Richard Henderson be and [he is] hereby appointed by the said Court, attorney for our sovereign Lord the King in the absence of the Attorney General, during this present Court &c.

* * * * *

This day came into open Court Christopher Rendleman, Staffell Boo, John Rendleman & John Hainline, and were naturalized according to law by taking the oath appointed for that purpose, & by subscribing and receiving the test &c.

* * * * *

Peter Beam & Michael Buin Natives of Germany came into open court and was naturalized according to law by taking the oaths appointed for that purpose and by repeating and subscribing the test.

NORTH CAROLINA,
Salisbury to Wit.

I do believe in my conscience that there is not any transubstantiation in the sacrament of the Lord's Supper or in the elements of bread & wine at or after the consecration thereof by any person whatsoever &c.

JAS. HASELL C. J.
EDMOND FANNING A. J.
W^m HOOPER

Sept Superior Court 1767.

SYLAS GREEN
MICHAEL ^{His} X BUIN.
Mark.

[N. C. LETTER BOOK S. P. G.]

Letter from Mr. Stewart to the Secretary.

BATH NORTH CAROLINA October 3rd 1767

REVEREND SIR,

Since my last in April I thank God I am recovered from my tedious lameness beyond the expectation of every one that saw me I have since that baptized in this County 54 white and 13 black Infants and at Attamuskeet 154 white and seven indian and Mustee Children belonging to that place; Roanokes Island Hatteras Occa-cock &c and I have not much further to add (the state of my parish being much the same as last year) but to beg the indulgence of the Society in my drawing so often quarterly, for the province in general is so poor and this branch in particular that the Taxes are not to be collected for want of some circulating medium

I am Rev^d Sir &c

ALEX STEWART

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

COUNCIL JOURNALS.

At a Council held at Wilmington 14th October 1767

Present

His Excellency the Governor.

The Honorable { John Rutherford William Dry
 { Lewis DeRosset Benjamin Heron } Esquires

His Excellency was pleased to send over the Caveat Dockett and laid over several Causes for hearing tomorrow.

His Excellency also acquainted this board that in pursuance of his Majestys Mandamus dated at St James the 22^d of May 1767 requiring him to cause letters Patent to be passed under the Great seal of this Province to constitute and appoint Thomas McGuire Esq^r Attorney General for the said province. His Excellency had issued a Commission accordingly which was then read and Mr McGuire appeared and took the oaths required and subscribed the Test. Ordered that the Mandamus and Commission be recorded in the Secretarys Office.

At a Council held at Wilmington 21st October 1767.

Present

His Excellency the Governor

The Honble { John Rutherford William Dry
 { Lewis DeRosset and
 { John Sampson Benjamin Heron } Esquires

Read the petition of Andrew Logan requesting that his patent dated the 13th day of May 1756 for 409 Acres Granted by his Excellency James Glen Esq^r Governor of South Carolina might be recorded which patent being laid before this Board was ordered to be recorded in the Secretarys office. His Excellency was pleased to go through the administration docket hear several Causes and finished the same.

Isaac Edwards Esq^r His Excellencys private secretary appeared in Council and took the oath of Allegiance to his Majesty and of secrecy to the Governor and Council.

Benjamin Heron Deputy Auditor of this province presented a

memorial to His Excellency in Council which he prayed might be inserted in the Journals and is as follows—Viz,

The Memorial of Benjamin Heron, Deputy Auditor

NORTH CAROLINA—SS.

To His Excellency William Tryon Esq^r his Majestys Captain General and Governor and Chief in and over the said province, and to the Members of His Majestys Honorable Council.

The Memorial of Benjamin Heron, Deputy Auditor, of the said Province humbly sheweth

“That on the sixteenth of July last His Majestys receiver General sent down to your Memorialists office by the hands of Mr Green fourteen Volumes in Folio Bound in Leather, and two stitched in sheets desiring the said James Green would demand a receipt from me as deputy Auditor for the said Books as Ledgers containing a rent roll of Land as set forth in his Memorial to your Excellency in Council the 24th June 1766 for the several and respective Counties in his Majestys district of North Carolina which your Memorialist refused to do not having been called upon properly before to examine the said Books nor having received positive orders from the Auditor General with respect to receiving them into his office,—Your Memorialist however from the great appearance of rain and to prevent Books of such labour and consequence to the Crown suffering by being exposed in an open cart, received the same into his Custody and acknowledged by a Memorandum delivered the said Mr Green that the fourteen Volumes of Books in Folio and two stitched in sheets were left in the hands of your Memorialist the deputy Auditor to examine the same—Your Memorialist tho’ very unequal in judgment to a task of that Consequence having since taken some pains to inspect and look over the said volumes intended as rent Roll does not in his opinion think the said Books completely finished nor fit to receive into the Auditors office as they now are.

Your Memorialist the deputy Auditor—Therefore Humbly prays that as this is a work of too great consequence to the Crown to rest on his Judgment he may be permitted to lay before your Excellency and Honours one or two Volumes of the said Rent Roll so that he may be indulged with the opinion of this Honourable Board, if the said Books are in proper condition to be received

into the Auditors office under the name of a rent roll as they now are — And your Memorialist as in duty bound will ever pray" — —
 (signed) BENJAMIN HERON, D. Aud —

Mr Rutherford the Receiver General prayed leave to give in his answer to the above Memorial. Ordered that the same be delivered in tomorrow morning

Read sundry warrants from N° 642, to 693 inclusive, except N° 691 laid by for better location.

At a Council held at Wilmington 22^d October 1767.

Present

His Excellency the Governor.

| | | | | |
|------------|---|-----------------|----------------|------------|
| The Honble | { | James Hasell | John Sampson | } Esquires |
| | | John Rutherford | William Dry & | |
| | | Lewis DeRosset | Benjamin Heron | |

The Receiver General brought in his answer to the memorial of Yesterday presented by the deputy auditor. Ordered the same be read and is as follows.

NORTH CAROLINA—Ss.

To His Excellency William Tryon Esq^r His Majestys Captain, General and Governor in Chief in and over the said Province and to the Members of His Majestys Honorable Council

The Answer of John Rutherford His Majestys Receiver General, Sheweth,

That Benjamin Heron Esq^r Deputy Auditor having by his Memorial of the 20th Instant desired permission to lay before your Excellencys and Honours one or two volumes of what he calls the rent roll to know if they are in a proper condition to be received into the Auditor Office as they are now.

Your respondent in answer to the said Memorial begs leave to inform your Excellency and the Board that the deputy auditor mistakes in supposing these Ledgers were delivered to him as a compleat Rent Roll, Whereas they were delivered to him only as preparatory to a Rent Roll being obtained in the manner set forth in this Memorial to your Excellency in Council the 24th of June 1766.

Your respondent does not doubt that your Excellency and Honours upon examining the said fourteen large volumes and two small ditto will find they are compleated agreeable to this said Memorial

of the 24th June 1766, and adequate to the sum allowed by the Right Honble the Lords Commissioners of the Treasury for that service and that the said Ledgers will tend greatly to the advantage of the Crown to facilitate the forming a compleat Rent Roll in a few years provided a reasonable allowance be annually allowed to a proper person to keep posted up the said Ledgers

Your respondent therefore Humbly prays your Excellency and Honours to order the deputy Auditor to continue the said 14 volumes and two stitched in sheets in his Custody as a Register of Lands in his Majestys District of this province until he receives your Excellencys further orders on that head and is in duty bound your Mem^o shall ever pray

(Signed)

JN^o RUTHERFORD, Rec^r Gen.

October 22^d 1767.

It not appearing to this Board that the Receiver General had any authority or direction for delivering the folio Rent Roll recited in the Memorial of the deputy auditor it is ordered that the Receiver General receive the same Books again into his possession to be compleated to the 24th of June, 1766, when the recommendation of His Excellency was made to the Lords of the Treasury in behalf of the Receiver Generals claim for the above service and that the receiver General may be furnished with the Extracts of deeds and Conveyances to compleat this work ordered that the Secretary require in the most express terms from the registers of the Counties in his Majestys district, that they deliver to the Secretarys office Extracts of the several Conveyances in their respective offices agreeable to the Returns made by the Receiver General on or before the 5th day of April next and a reasonable allowance for their trouble will be paid by the receiver General

At a Council held at Wilmington October 23^d 1767

Present

His Excellency the Governor

| | | | | |
|------------|---|-----------------|----------------|------------|
| The Honble | { | James Hasell | John Sampson | } Esquires |
| | | John Rutherford | William Dry | |
| | | Lewis DeRosset | and | |
| | | Robert Palmer | Benjamin Heron | |

His Excellency represented to this Board that Mr Obadiah Holt late Sheriff of the County of New Hanover for the year 1766 was returned by the County Court in March 1767 as a proper person to

serve as Sheriff for the said County for the ensuing year, In virtue of which his Excellency issued a Commission to the said Holt bearing date the 16th of April 1767 which Commission was accepted by the said Holt—That since the above appointment his Excellency has been informed the said Holt has omitted to Qualify himself for the Execution of his office according to act of Assembly notwithstanding which his Excellency understands he is now acting as Sheriff for the County of New Hanover in the Superior Court now sitting—Therefore his Excellency desires the opinion of this Board what measures should be taken under the circumstances—It is the unanimous opinion of this Board that his Excellency require the opinion of the Chief Justice and Attorney General regarding the Legality of Mr Holt's acting as Sheriff—whereupon the following Message was sent to the Chief Justice and Attorney General *Mutatis Mutandis*.

His Excellency in Council not being of opinion that Mr Holt is duly qualified to act as Sheriff for New Hanover County desires the Chief Justice and Attorney General will forthwith examine into the validity of the Authority by which he now Acts, and that they report the same to this Board.

In answer to which his Excellency Received the following Reports.

In answer to the Message received this day from your Excellency in Council the Chief Justice has the Honour to represent That no sheriff being legally appointed for the County of New Hanover on the eighth day of September Anno Domini in 1766 according to the rules established by Act of Assembly—your Excellency to prevent a failure of Justice did by your own authority grant a Commission to the said Mr Holt appointing him Sheriff during your pleasure and that he therefore gave security to execute the said office during his continuance therein. That—At the County Court in March Anno Domini 1767 the said Mr Holt being with two others returned to your Excellency as a fit person to serve in the said office for the then ensuing year your Excellency was pleased to prefer the said Mr Holt and gave him a Commission accordingly—

That—The said Mr Holt did not qualify and give security after receiving the last mentioned Commission That—The said Mr Holt has nevertheless continued to exercise the said office in all its branches except in collecting the publick dues and Taxes.

The Chief Justice therefore inclines to the opinion that the first Commission of the 6th September 1766 is a good authority for Mr Holts continuing to act as Sheriff in as much as there has been no effectual appointment of another sheriff according to act of Assembly and in as much as the said Mr Holt hath not been otherwise superseded—The Chief Justice acknowledges he has not so fully considered the subject as he could wish being engaged in Court in the midst of Crown Business but thinks it by far the safest with regard to the publick that Mr Holts Acts should be considered hitherto as valid

M. HOWARD.

OCTOBER 23rd 1767.

TO HIS EXCELLENCY AND THE HONORABLE MEMBERS OF HIS MAJESTYS COUNCIL.

In answer to your Excellency and Honours Message of this day requiring my report on the validity of the Sheriff of New Hanover's Commission granted I am of opinion that your Excellency's Commission to Mr Holt dated the 16th of April 1767 is a *supersedeas* to his former one, and as he has not qualified, and given security according to the Act of Assembly in such case provided, under his last Commission, I am further of opinion that he derives no authority under it, and consequently that he is no legal Sheriff at this time

THO^s McGUIRE Att. Gen^l

OCTOBER 23^d 1767.

After mature consideration it is the unanimous opinion of this Board, That Mr Obadiah Holt has not been legally invested with the office of Sheriff since the last day of the County Court held in September last for the County of New Hanover and that all acts and deeds by him done as Sheriff since that time are null and void: and that if his Excellency finds it expedient he will issue a proclamation declaring the same; and that this opinion be forthwithsent to the Chief Justice and Attorney General.

At a Council held at Wilmington the 27th October 1767

Present.

His Excellency the Governor

| | | | |
|--------------|-----------------|----------------|------------|
| The Honble { | John Rutherford | Robert Palmer | } Esquires |
| | Lewis DeRosset | and | |
| | John Sampson | Benjamin Heron | |

Passed sundry patents from N^o 502 to 515 inclusive; His Excellency considering the evil consequences that would attend the publick by Mr Obadiah Hols acting as sheriff without qualifying as the law directs — proposed a Proclamation issue agreeable to the opinion of this Board of the 23rd instant Ordered a Proclamation issue in the following words — Viz^t

NORTH CAROLINA—Ss.

By His Excellency William Tryon Esquire, Captain General, Governor and Commander in Chief in and over the said Province.

A Proclamation.

Whereas at a Council held at Wilmington the 23rd day of this Instant October it was the unanimous opinion of the Board that Obadiah Holt Esq^r has not been legally invested with the office of Sheriff for the County of New Hanover since the last day of the Inferior Court of Pleas and Quarter Sessions held in September last for the said County and that all Acts and deeds by him done since that time are null and void. I have therefore thought fit by and with the advice and consent of his Majestys Council to issue this Proclamation to notify the same to all whom it may concern.

Given under my hand, and the Great Seal of the said Province at Wilmington the 27th day of October in the eighth year of His Majestys Reign — Anno Domini 1757.

WILLIAM TRYON.

By His Excellencys Command

BENJAMIN HERON, Secretary.

Ordered that the Secretary remove to Newbern by the 2^d of December next where the Assembly is to be held, the Council Journals, Chancery Dockett and papers relative to the causes to be heard there.

Ordered also that the Secretary advertise the Court of Claims to be held again at Wilmington the 20th April 1768.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Earl Shelburne

BRUNSWICK 30th Oct. 1767.

I had an opportunity this summer in my travels through the back counties of the province to examine into the method Mr Henry

Eustace McCulloh and other attornies for his father and associates had observed in the sale of the lands to the persons set forth in the deeds, I transmitted with my letter to your Lordships bearing date the 28th of April 1767.

The best land particularly in Mr Selwin's tract number three sold for twenty five pounds proclamation money per hundred acres the midling at fifteen pounds and the mean at ten pounds. The purchasers who had no money gave bond for the consideration in which was included the quit rents that was due from the 25th of March 1760, to the date of the execution of each respective deed this was equitable as Mr McCulloh charges himself in the inclosed account with the arrears of all the quit rents due to the crown from the 25th of March 1760 to the 25th of March 1767. These bonds are to be paid by three equal payments to be discharged in three years from the several dates: The land sold in number three only exclusive of what is reserved therein I am well informed will amount to nine thousand pounds proclamation money. This circumstance I mention to show the grantees have been well rewarded for the little pains that has ever been taken to settle these large tracts. I saw many of the above associate's deeds with the plot of the lands annexed, they appeared very regular and nearly conformable to the present mode of granting out lands in his Majesty land office. Measures are taking to resume for his Majesty the other tracts not surrendered,

I am with the greatest respect &c.

P. S. I have just held a land office and am now preparing to move to Newbern to meet the General Assembly the Second December next.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Earl Shelburne.

NEWBERN 11th Dec. 1767

Mr Thomas McGwire produced to me last October his Majestys warrant appointing him Attorney General to this province, in obedience to which I issued his commission under the seal of the province for that office, when he qualified in council by taking the oaths required by law.

Mr John Abraham Collet waited on me the fourth of last month at Brunswick with a commission from his Majesty bearing date the ---- of May last appointing him Captain and Commander of Fort Johnston, in virtue of which I administered to him the oaths of allegiance and other oaths required by law, and ordered the Fort to be delivered up to him

Unless his Majesty is graciously pleased to fix some pay to his commission or put him on the establishment of Engineer for the southern district of North America, his real merit and military experience, will not be able to make their residence in this government, since his present emoluments arise only from a fee of ten shillings proclamation money for a product bill to every vessel coming into Cape Fear River, a sum scarce exceeding thirty pounds sterling per annum. Were he to be honored with the commission and appointment of Engineer he might be very beneficially employed in making an accurate survey of the maritime parts of these southern provinces or in constructing of fortresses at the entrance of the respective rivers.

I am my Lord &c.

[FROM TRYON'S LETTER BOOK]

Letter from Governor Tryon to Earl Shelburne.

NEWBERN 12th Dec. 1767.

I was made very happy by the receipt of the original and duplicate of your Lordships letter N^o 4, dated the 20th of June last informing me of his Majestys approbation of the plan of the house constructing at Newbern for the governor for the time being and also of his most gracious acceptance of the panther.

I hope to be informed in what manner his Majesty received the Address of the Council and Assembly of this province sent home last winter, as many here have been curious of hearing [whether it] met with a gracious welcome.

The General Assembly opened last monday, at present it shews a prospect of a favorable issue, as may be seen by the speech and addresses inclosed.

I am my Lord &c.

[FROM MS. RECORDS IN OFFICE OF THE SECRETARY OF STATE.]

COUNCIL JOURNALS.

At a Council held at Newbern Monday 14th December 1767

Present

His Excellency the Governor

| | | | | | |
|------------|---|-----------------|---------------------|---|----------|
| The Honble | { | James Hasell | Alexander McCulloch | } | Esquires |
| | | John Rutherford | William Dry | | |
| | | Lewis DeRosset | Robert Palmer | | |
| | | John Sampson | Benjamin Heron | | |

Samuel Strudwick Esq^r appeared at the Board and produced his Majestys Mandamus appointing him a member of his Majestys Council of this province bearing date the 20th day^e Feb^y 1767 and took the oaths required of Publick Officers subscribed the test, took the oath of a Councilor and the oath as a member of the Court of Chancery and then took his seat at the Board accordingly

Ordered The Mandamus be Recorded in the Secretarys Office of this Province.

His Excellency produced to this Board a new Great Seal of this province, with his Majesty's Royal warrant bearing date at the Court of St. James the 9th day of July 1767— Authorizing the use of the same, and requiring the old seal to be returned to his Majestys Council office of Whitehall

And his Excellency informed this Board, that he yesterday sent the old seal to New York by Capt. Collet Commander of Fort Johnston in order to be forwarded Home—— Ordered— That a Proclamation issue inserting His Majestys warrant for the use of the new seal in the following words, Viz—

NORTH CAROLINA—Ss.

By His Excellency William Tryon Esq^r &c.

A Proclamation.

Whereas I have received from the Earl of Shelburne one of his Majestys principal Secretarys of State a new Great Seal for this Province with a warrant under his Majestys sign Manual to use the same in the following words, Viz

George R. To our trusty and well beloved William Tryon Esq^r our Captain General and Governor in Chief of our province of North Carolina In America or to the Commander in Chief of our said province for the time — Greeting —

With this you will receive a Seal prepared by our order for the use of our said province; the same being engraved on the one side with our Arms, Garter, Crown Supporters and Motto, and this inscription round the circumference Georgius, III, D: G: Mag, Bri, Fr, et Hib, Rex, T. D. Brun, et Sun, Dux, S. R. I, ar Thes. at El. on the other side our Royal Effigies; and Liberty represented introducing Plenty to us, with this Motto — Qua Sero Tamen Respexit — and this inscription round the circumference Sigillum, Provincea, Nostrea, Carolina, Septentrionalis — Our will and Pleasure, is and we do hereby authorize and direct that the said seal be used in sealing all Patents and Grants of Lands, and all Public Instruments which shall be made and passed in our name, and for our Service within the said Province; and that it be to all Intents and Purposes of the same force and validity, as any other seal heretofore used within the said Province, And we do further will and require you upon Receipt of the said seal, to return the old seal to our Council Office at Whitehall in order to its being defaced by us in our privy Council. Given at our Court at St James's the 9th day of July 1767 In the seventh year of our Reign

By his Majestys Command

SHELBURNE.

I have therefore thought proper by and with the advice and consent of his Majestys Council to issue this proclamation to notify that the New Great Seal will from the date hereof be made use of in this Province, and that the late Great Seal agreeable to the Royal Commands is transmitted to England

Given under my hand and the Great seal of this province at Newbern

W^m TRYON.

At a Council held at Newbern on Tuesday 15th Dec^r 1767

Present

His Excellency the Governor

| | | | | |
|------------|---|-----------------|------------------|------------|
| The Honble | { | James Hasell | William Dry | } Esquires |
| | | John Rutherford | Robert Palmer | |
| | | Lewis DeRosset | Benjamin Heron | |
| | | John Sampson | Samuel Strudwick | |

The Honble Alexander McCulloch appeared at this Board and

made a surrender of his patent for 12,500 Acres of Land laying on the Branches of Johnston River and Great Peedee, being part of a Tract N^o 6 and executed a deed of surrender for the same, and at the same time agreed to give Bond and Security in the sum of £592.13.0 conditioned to produce his Majestys order upon this head and abide by the same, within two years from the date of the said Bond or otherwise pay to his Majestys Receiver General of this Province for the time being £296.6.6. being the Quit rents of the above Lands due to this date which Bond and Deed of Surrender are ordered to be recorded in the Secretarys office &c. The Bond delivered to the Receiver General. It appearing to this Board that the said Alexander McCulloch has received no Benefit or advantage by the possession of the above Lands, His Excellency the Governor with the advice and consent of his Majestys Council had admitted the said Alexander McCulloch Esq^r to give Bond as above inserted.

At a Council held at Newbern Dec^{em}ber 19th 1767.

Present

His Excellency the Governor

| | | | | |
|------------|---|---------------------|------------------|------------|
| The Honble | { | James Hasell | William Dry | } Esquires |
| | | Lewis DeRosset | Robert Palmer | |
| | | John Sampson | Benjamin Heron & | |
| | | Alexander McCulloch | Samuel Strudwick | |

His Excellency was pleased to lay before this Board a Letter he had Received from Thomas Haywood Esq^r Commander of his Majesty's sloop the *Martin* bearing date off Brunswick the 14th day of December 1767. Amongst other things requesting a Law of this Province may be enacted to prevent the desertion of Seamen from His Majesty's vessels or ships of war And it is the unanimous opinion of this Board that his Excellency will be pleased to send a Message to the Assembly now setting to prepare a bill for that purpose.

Letter from Governor Tryon to Captain Haywood on board the *Martin* Sloop off Brunswick

NEWBERN 20th Dec 1767.

By your letter of the 14th of this month I am informed of the arrival of his Majesty's Sloop *Martin* under your command as the stationed ship for this province. If the instructions you are to communicate to me in Council require early notification I appre-

hend you must give yourself the trouble of a journey to this town where I shall be glad to wait on you, as it will scarce be in my power to return to Brunswick before the middle or latter end of February next. The usual oaths that you and your officers are to take in virtue of deputations (I presume from the Lords Commissioners of the Customs) I am ready to administer, whenever it is agreeable to you and them to wait on me.

I have preferred that part of your letter before the Council board relating to the mischiefs attending the desertions of sea men from his Majesty's ships while stationed for this province, and shall also in the course of this session endeavour to procure an Act of Assembly of this province to remedy the evils you so justly point out.

I am Sir, &c.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Earl Shelburne.

NEWBERNE 22^d Dec 1767.

I have the honor to inform your Lordship Mr Gabriel Catheart, Collector of his Majesty's Customs for the port of Beaufort in this province died the 10th of November last and that I have appointed Mr John Hawks (superintendant of the construction of the Governor's house for this province) to do the duty of Collector of that port till his Majesty's pleasure shall be further known.

I request, my Lord, that Mr Robert Palmer (a gentleman of worth and character, and the present Collector of Port Bath) may be removed to port Beaufort in the room of Mr Catheart both on account of the greater conveniency of his attending the public business at Newbern, he being a member of his Majesty's Council of this colony and his services to the crown meriting this promotion.

If my recommendation in my letter to your Lordship (No. 4) the 7th of July 1767, for the establishment of a Comptroller for the port of Beaufort does not meet with the success the expediency of such an officer points out; or if established and Mr Hawks is not the officer appointed to that office, I extremely wish he may succeed Mr Palmer in the Collector of Bath port, on Mr Palmer's succeeding to the port of Beaufort.

I am, my Lord, &c

[B. P. R. O. AM: & W. IND. VOL. 271.]

Letter from Board of Trade to Secretary Lord Shelburne

WHITEHALL December 23^d 1767.

Your Lordships having thought proper to communicate to us Copies and Extracts of several Letters lately received by your Lordships from General Gage and Sir William Johnson and also by other persons from their private correspondents in America relative to the present temper & dispositions of the Northern Indians, We have taken the same into our consideration, and though the subject matter of these letters has immediate connexion with the questions and considerations referred to us by your Lordships Letter of the 5th of October last yet as they do from the nature of the advices therein contained appear to us to be of great urgency and to require a more speedy attention in his Majesty's Councils than is consistent with the delay which must necessarily attend the preparing a Report upon such a variety of important matters as your Lordship's general letter of reference points out, we think it our duty to lose no time in submitting to your Lordship's consideration what has occurred to us upon this subject.

The Substance of the advices contained in these papers is that secret councils have been held by the Indians in the woods that a general Congress is proposed to which all the several Nations have been invited that a Batteau loaded with goods for the Indian Trade has been stopped and plundered on the Ohio and that it appears from authentick intelligence coming through different channels that something of moment is in agitation, which combined with the discontent prevailing amongst the Indians upon account of encroachments upon their Lands does indicate a design of an hostile and dangerous tendency.

The complaints of the Indians on account of encroachments upon their lands and the expediency of establishing a boundary line between their Country and the Settlements of his Majesty's Subjects have long been urged by the Superintendants of Indian Affairs as a consideration of very great importance.

It was this consideration which occasioned the provisional arrangement in the proclamation of 1763, and induced this Board to propose in the plan for the Management of Indian Affairs prepared in

1764. a boundary Line being established by solemn compact with the Indians.

This plan having been communicated to the Superintendants of Indian Affairs they have (though not strictly authorized so to do) made it a subject of discussion and negotiation with the Indians in their respective Districts and in the Southern district such line has not only been stipulated by treaty but has also been in part actually surveyed and run out.

In the Northern district the proposition of a boundary line appears to have been received by the Indians with marks of the greatest satisfaction and approbation and the particular course and extent of it to have been very precisely pointed out by them and acquiesced in by Sir William Johnson in a congress held with those Indians in 1765.

This line as described by the Indians begins at Owezy upon the eastern branch of the Susquehannah from whence pursuing the course of that branch to Shamoken it runs up the western branch to the head thereof and from thence to Kittaning on the Ohio and so down that River to its confluence with the Cherokee River.

In tracing the course of this line upon the Map your Lordship will observe that tho' it does preclude from Settlement a considerable and valuable part of the province of Pennsylvania in the forks of the Susquehannah yet it does on the contrary leave room to the Inhabitants of that province situate to the south of that River and also to the Inhabitants of Virginia to extend their Settlements further to the Westward than they have hitherto been able to do with any degree of safety and therefore when we reflect that the establishment of this line will in all probability have the effect to prevent the fatal consequences of an Indian War that seems at present to threaten the middle Colonies by giving satisfaction to the Indians in a point the most essential to their Interests without confining the Settlements of his Majesty's subjects to too narrow Limits we submit to your Lordship whether it may not be advisable that orders should be immediately sent to Sir William Johnson for the final settlement of of this boundary line in a Congress to be held with the Indians for that purpose and that he should be enabled to make such gratification to the said Indians as the nature and extent of the concessions on their part shall appear to require.

It would have been going beyond the bounds of the subject which occasions our troubling your Lordship with this letter to have entered

into a minute detail of what has been agreed upon with the Southern Indians concerning a boundary line but as the Line settled with the Cherokees falls in with a part of the Conahway River communicating with the Ohio it does seem to us that it would be unadvisable that the line now proposed to be settled with the six Nations and their Allies should be extended lower down the Ohio than the mouth of the said Conahway River as the carrying it further might afford a pretence of Settlements in a Country which however claimed by the six nations as part of their ancient dominion is in fact actually occupied by the Cherokees as their hunting ground and who would consequently consider such Settlements as a direct violation of what has been agreed upon by them.

We are, my Lord &c

CLARE

SOAME JENYNS

ED. ELIOT

W^m FITZHERBERT

THOMAS ROBINSON

[B. P. R. O. ENCLOSED IN GOVERNOR TRYON'S LETTER 25TH APRIL, 1769.]

A return of the Lists of Taxables in the Province of North Carolina for the year 1767.

| COUNTIES | WHITE MEN TAXABLES | BLACKS & MULATTOES MALE & FE- MALE | TOTAL NUMBER OF TAX- ABLES. |
|-------------------|-----------------------|---|--------------------------------------|
| Anson ----- | 696 | 173 | 869 |
| Beaufort ----- | 410 | 481 | 891 |
| Bertie ----- | ----- | ----- | 1829 |
| Bladen ----- | 791 | 716 | 1507 |
| Brunswick ----- | 224 | 1085 | 1309 |
| Bute ----- | 1299 | 941 | 2240 |
| Carteret ----- | 470 | 290 | 760 |
| Chowan ----- | ----- | ----- | 1653 |
| Craven ----- | 1378 | 1520 | 2898 |
| Currituck ----- | ----- | ----- | 889 |
| Cumberland ----- | 899 | 362 | 1261 |
| Dobbs ----- | 1268 | 706 | 1974 |
| Duplin ----- | 1071 | 437 | 1508 |
| Edgcomb ----- | ----- | ----- | 2260 |
| Granville ----- | 1022 | 906 | 1928 |
| Halifax ----- | ----- | ----- | 2806 |
| Hertford ----- | ----- | ----- | 1690 |
| Hyde ----- | 441 | 282 | 723 |
| Johnston ----- | 1129 | 567 | 1696 |
| Mecklenburg ----- | ----- | ----- | 2163 |
| New Hanover ----- | 511 | 1492 | 2003 |
| Northampton ----- | ----- | ----- | 2557 |
| Onslow ----- | 716 | 500 | 1216 |
| Orange ----- | 3573 | 729 | 4300 |
| Pasquotank ----- | 433 | 359 | 792 |
| Perquimans ----- | ----- | ----- | 1472 |
| Pitt ----- | 775 | 448 | 1223 |
| Rowan ----- | ----- | ----- | 3643 |
| Tyrrell ----- | 594 | 390 | 984 |
| | 17700 | 12382 | 51044 |

[FROM N. C. LETTER BOOK S. P. G.]

Return of the Names of the Counties and Parishes — Estimate of 1767 the White Taxables in the Province of North Carolina — Remarks on the Ability of the Respective Parishes, and the Names of the Clergy established by Presentation from the Governor.

| COUNTY. | PARISH. | NO. OF WHITE TAXABLES A. D. 1767 | REMARKS. |
|------------|---------------|--|--|
| Anson | St. George | 696 | The inhabitants in general poor & incapable to support a Minister |
| Beaufort | St. Thomas | 110 | The Rev ^d Mr. Stewart Incumbent — By presentation. |
| Bertie | Society | 930 | Capable to Maintain & willing to receive a Minister. |
| Bladen | St. Martin | 791 | The inhabitants in midling circumstances. |
| Brunswick | St. Philips | 224 | Inhabitants mostly Gentlemen. |
| Bute | St. Johns | 1299 | The Rev ^d Mr Cupples Incumbent — By presentation. |
| Carteret | St. Johns | 470 | Similar to Anson County. |
| Chowan | St. Pauls | 900 | The Rev ^d Mr Earl Incumbent — Never applied for Indv. tion. |
| Craven | Christ Church | 1378 | The Rev ^d Mr. Reed Incumbent — By presentation. |
| Cumberland | St. Davids | 899 | Mostly Scotch — Support a Preslyterian Minister. |
| Currituck | Currituck | 400 | Similar to Anson County. |
| Dobbs | St. Patrick | 1268 | The Rev ^d Mr. Miller Incumbent — By presentation. |
| Duplin | St. Gabriel | 1071 | The Rev ^d Mr. Hobart Briggs Incumbent — By presentation. |
| Edgecomb | St. Mary | 1200 | Able to support & willing to receive a Minister. |
| Granville | Granville | 1022 | Able to support & willing to receive a Minister. |

| | | |
|-------------|--------------|---|
| Halifax | Edgcomb | 1500 The Rev ^d Mr Burgess Incumbent by Act of Assembly passed in 1764. |
| Hertford | St. Barnabas | 900 Able to make provision for a Minister. |
| Hyde | St. George | 441 Similar to Anson County. |
| Johnston | St. Stephen | 1229 Able to make provision for a Minister. |
| Mecklenburg | St. Martin | 1600 Mostly Presbyterians. |
| New Hanover | St. James | 511 Able to support, tho' expressed no desire to receive an inducted Minister. |
| Northampton | St. George | 1600 Intended for the Rev ^d Mr Barnett — Good Parish. |
| Onslow | St. John | 716 Willing to receive tho' hardly capable of making provision. |
| Orange | St. Matthew | 3573 The Rev ^d Mr Micklejohn Incumbent — by presentation. |
| Pasquotank | St. John | 433 The Rev ^d Mr Fiske Incumbent — by presentation — Weak Parish. |
| Perquimans | Berkley | 900 Inhabitants in midling Circumstances. |
| Pitt | St. Michael | 775 Small County — willing to make Provision for a Minister. |
| Rowan | St. Luke | 3000 Very able — Mostly presbyterians. |
| Tryon | St. Thomas | ----- Too unsettled to make provision for a Minister. |
| Tyrrell | St. Andrew | 594 Similar to Anson County. |
| | | 30730 |

NOTE—The Taxables of Tryon County are included in those of Mecklenburg from which it was divided last November.

[FROM MS. RECORDS IN OFFICE OF THE SECRETARY OF STATE.]

A Rough Calculation of the Expence of a Mansion House executing at Newbern for the Governor of North Carolina for the time being

| | |
|---|---------------|
| Turning in the Lotts----- | £ 55 |
| Digging the Foundation----- | 15 |
| Bricks and Lime----- | 1250 |
| Bricklayers Work----- | 600 |
| Boards and Scantling, including Mahogany for y ^e Staircase-- | 600 |
| Carpenters and Joiners Labour, including Nails and Brads--- | 1900 |
| Plastering, including Lime, Lath, Nails, Lab ^r , and Stucco Work | 900 |
| Sashes, Glass, Skylights, Lead and Plumbers Labour to Gutter &c, and Six Stacks of Lead pipes----- | 1100 |
| Chimney pieces, and Stone Steps to two Fronts----- | 600 |
| Painting inside and outside, Including Oil and Colours----- | 550 |
| Locks, Hinges, Fastenings, Screws, and Smiths Work about the Roof &c----- | 650 |
| Labourers time attending Workmen and levelling Grounds-- | 200 |
| Shingles----- | 45 |
| Paving the Cellars, and Area, Area Wall and pallisadoes D ^o -- | 200 |
| Digging and laying drains from the House, and Making Res- ervoir Labour and Materials----- | 400 |
| To the Superintendant for four years overseeing and directing the Works of the House, Officers &c----- | 1200 |
| | <u>10265</u> |
| Twelve Lotts of Land for the Building purchase not yet Com- pleted estimated at----- | 400 |
| | <u>£10665</u> |

JOHN HAWKS.

Expence of the two Wings or Offices of the said House, Including Collonade, dwarf Wall, and Pallisadoes to form the Court

| | |
|--|------|
| Digging the Foundations----- | £ 20 |
| Brick and Lime----- | 900 |
| Scantling and Boards----- | 500 |
| Carpenters and Joiners Labour, including Nails and Brads-- | 780 |
| Bricklayers Work----- | 400 |
| Locks, fastenings, and Smiths Work----- | 190 |

| | |
|---|--------------|
| Glass and painting including the painting of the Shingles on the Roof ----- | £ 250 |
| Shingles ----- | 55 |
| Two Wells with Pumps Compleat ----- | 40 |
| | <u>£3135</u> |
| Circular Collonade, with Wall, Columns, paving, Cornice, and Roof &c ----- | 750 |
| Dwarf Wall, Pallisadoes, piers, Gates &c, to form a Court Yard ----- | 160 |
| | <u>£4045</u> |
| JOHN HAWKS | |

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

Names of Persons and Familys Natives of North Britain from the Isle of Jura in Argyle Shire, Landed at Brunswick the Fourth of November 1767, allowed by His Excellency the undermentioned quantity of Vacant Land, opposite to their respective Names, clear of all Fees in the Secretary's Office, to be taken up in Cumberland or Mecklenburgh Counties at their Option.

| NAMES OF FAMILYs | CHILDREN | | Total | N ^o ACRES TO EACH FAMILY |
|---|----------|--------|-------|-------------------------------------|
| | Male | Female | | |
| Alexander M ^e Dougald & Wife | ----- | 1 | 3 | Three hundred |
| Malcom M ^e Dougald & d ^o | ----- | 1 | 3 | Three d ^o |
| Neill M ^e Lean and d ^o | 1 | ----- | 3 | Three d ^o |
| Duncan M ^e Lean and d ^o | ----- | ----- | 2 | Two d ^o |
| Duncan Buea and d ^o | 1 | ----- | 3 | Three d ^o |
| Angus M ^e Dougald and d ^o | ----- | ----- | 2 | Two hundred |
| Dougald M ^e Dougald and d ^o | 3 | 1 | 6 | Six hundred & forty |
| Dougald M ^e Dougald and d ^o | 2 | ----- | 4 | Four hundred |
| John Campbell and d ^o | 1 | ----- | 3 | Three d ^o |
| Archibald Buea and d ^o | 1 | ----- | 3 | Three d ^o |
| Neill Buea ----- | ----- | ----- | 1 | One d ^o |
| Neill Clark ----- | ----- | ----- | 1 | One d ^o |
| John M ^e Lean ----- | ----- | ----- | 1 | One d ^o |
| Angus M ^e Dougald ----- | ----- | ----- | 1 | One d ^o |
| John M ^e Dougald ----- | ----- | ----- | 1 | One d ^o |
| Donald M ^e Dougald ----- | ----- | ----- | 1 | One d ^o |

NAMES of PERSONS, &c.—*Continued.*

| NAMES OF FAMILYS | CHILDREN | | Total | N ^o ACRES TO EACH FAMILY |
|----------------------------------|----------|--------|-------|-------------------------------------|
| | Male | Female | | |
| Donald M ^c Dougald | | | 1 | One hundred |
| Alexander M ^c Dougald | | | 1 | One d ^o |
| John M ^c Lean | | | 1 | One d ^o |
| Peter M ^c Lean | | | 1 | One d ^o |
| Malcolm Buea | | | 1 | One d ^o |
| Duncan Buea | | | 1 | One d ^o |
| Mary Buea | | | 1 | One d ^o |
| Nanny M ^c Lean | | | 1 | One d ^o |
| Peggy Sinclair | | | 1 | One d ^o |
| Peggy M ^c Dougald | | | 1 | One d ^o |
| Jenny Darach | | | 1 | One d ^o |
| Donald M ^c Lean | | | 1 | One d ^o |
| | | | | 50, 5040 Acres—Total |

By His Excellencys Command

I. EDWARDS, p. Sec.

To Hon^{ble} Benj^a Heron Esq. Secretary &c.

[B. P. R. O JOURNALS B. T. VOL. 75.]

BOARD OF TRADE JOURNALS

At a meeting of His Maj. Comm^{rs} for Trade and Plantations

Tuesday January 6, 1767

Present

Lord Viscount Clare

M^r Jenyns. M^r DysonM^r Fitzherbert

* * * * *

[P. 9.]

Their Lordships took into consideration the state of the several Councils in His Maj. Colonies in America and the following Representations to His Maj. recommending persons to supply Vacancies were signed Viz:—

Representation to His Maj. proposing that Samuel Strudwick Esq. may be appointed one of the Council in North Carolina in the room of Rich. Spaight Esq. deceased

[P. 50.]

Tuesday February 10, 1767.

Read the following letters received since the last Meeting of the Board

Letter from Edw. Brice Dobbs Esq one of the Council of North Carolina to the Secretary dated 26th January 1767 acquainting him that he has no intention of returning to that Province and that he willingly resigns his seat.

[P. 50.]

Tuesday February 24, 1767

The Secretary laid before the Board several letters and papers received since the last Meeting the titles of which are as follows — viz: —

[P. 72.]

Letter from Gov^r Tryon to the Board dated 3^d Dec. 1766 transmitting An Address of the Council & Assembly to his Majesty

[P. 97.]

Friday March 13th 1767.

Read and considered thirty eight Acts passed in the Province of North Carolina in the years 1764 and 1765 together with Sir Matthew Lamb's Reports thereupon

Ordered that the Draught of a Representation to His Majesty be prepared proposing the repeal of several of the said Laws.

[P. 103.]

Tuesday March 24th 1767.

Read a letter from Gov. Tryon to the Board dated 12th Jan^y 1767 acquainting their Lordships with the death of M^r Jones late Attorney General of that Province and his appointment of Marmaduke Jones Esq. to succeed him also stating the necessity of creating a Solicitor General for that Colony

Copy of a letter from Marmaduke Jones to Gov. Tryon relative to the appointment of a Solicitor General

Ordered that the Secretary do transmit copies of the said letter and paper to the Secretary to the Earl of Shelburne to be laid before his Lordship.

[P. 107.]

Thursday March 26, 1767.

Their Lordships took into consideration the Act passed in the Province of North Carolina in 1765 *for establishing an Orthodox Clergy* together with the Bishop of London's Observations thereupon in his letter to the Board dated 1st March 1766 and it was Ordered, that the Draught of a Representation to His Majesty thereupon should be prepared — which was approved transcribed and signed 30th March

[P. 111.]

The Secretary laid before the Board several laws passed in the Province of North Carolina * * * * which Laws were received from the Secretary of State's office and it was ordered that they should be sent to Sir Matthew Lamb for his opinion thereupon.

Tuesday May 12, 1767

Present

Lord Clare

M^r JenynsM^r RiceM^r RobertsM^r DysonM^r Fitzherbert

[P. 138.]

Several letters & papers received from the Governors and other officers of the Crown in the colonies were laid before the Board and read, the Titles of which are as follows Viz:

Letter from Gov^r Tryon to the Board dated Jan^r 30, 1767, containing an account of the Manufactures set up and carried on in that Province since 1734 and of the public encouragements given thereto.

Letter from Gov. Tryon to the Board dated Jan^r 31, 1767, containing his observations on several Acts lately passed there.

Letter from Gov. Tryon to the Board dated Feb^r 2, 1767, relative to the saw Mills and timber of that Province.

[P. 229.]

Thursday July 9, 1767.

Read an Order of the King in Council dated June 26, 1767, directing the Board to prepare & lay before His Maj. the Draught of an additional Instruction to the Gov. of North Carolina requiring

him to get an Act passed for making provision for Clergymen who officiate during the suspension of Ministers.

Ordered that the Draught of an Additional Instruction to the Gov^r of North Carolina conformable to the directions of the said Order be prepared.

[P. 235.]

Monday July 13, 1767

The Draught of an additional Instruction to the Gov^r of North Carolina recommending an amendment of the Act *for establishing an Orthodox Clergy* having been prepared pursuant to order was approved and a Representation to His Majesty thereupon was signed.

[P. 293.]

Tuesday Oct. 13th 1767

Several papers received from the Colonies by the last Packet were laid before the Board the titles of which are as follows Viz:—

Letter from Gov. Tryon to the Board dated 28th April 1767 relative to several Deeds containing a surrender of land acknowledged by M^r Henry Eustace McCulloh as belonging to himself his father & their associates

[P. 321.]

Thursday October 29th 1767

M^r Elwin private Secretary to Gov. Tryon lately arrived from North Carolina attended & delivered a letter from the Governor recommending M^r Elwin to the protection of the Board.

[P. 339.]

Friday December 4th 1767.

Their Lordships then took into consideration Twenty eight Acts passed in North Carolina in Nov. 1766 together with Sir Matthew Lamb's Report thereupon and it was ordered that the draught of a Representation to His Majesty should be prepared proposing the repeal of an Act *for laying a tax on pedlars and other itinerant Traders coming into this Province*

[P. 351.]

Tuesday December 15th 1767

The following duplicates of letters to the Earl of Sunderland and of papers therewith transmitted from the Governors of His Maj. Plantations and others were laid before the Board viz:—

Letter from Gov. Tryon to the Board dated 29th June 1767 transmitting A view of the polity of the Province of North Carolina

Letter from Gov. Tryon to the Board dated 30th June 1767 relative to the condemnation of a sloop having Foreign rum on board

Copy of a letter from Gov. Tryon to the Collector of Customs for Port Beaufort dated 16th Feb. 1767

Copy of the Reasons given by the Judge of the Vice Admiralty Court for the condemnation of a Sloop and Cargo having Foreign rum on board

Copy of letter from Gov. Tryon to the Commissary & Judge of the Vice Admiralty Court of North Carolina dated 16th Feb. 1767

Copy of letter of the Attorney General of No. Carolina to Gov. Tryon 10th Feb^y

Copy of letter from the Judge of the Vice Admiralty Court to Governor Tryon dated 23rd Feb. 1767 inclosing Copy of a Deeree of the Court of Vice Admiralty concerning the Sloop and Cargo condemned upon the prosecution of Capt. Morgan.

Letter from Gov. Tryon to the Board dated 7th July 1767 relative to the expediency of continuing the office of Baron of the Exchequer & recommending M^r John Hawks to be Comptroller of Port Beaufort

Letter from Gov. Tryon to the Board dated 8th July 1767 containing remarks on an inclosed list of taxable persons in that Province

A Return of the list of taxables for the year 1765 in that Province

Letter from Gov. Tryon to the Board dated 15th July 1767 relative to the boundary line between the Western Frontiers of that Province and the Cherokee Hunting Grounds.

Letter from Gov. Tryon to the Board dated 15th July 1767 acknowledging the receipt of their Lordships letter to him of 29th Nov. 1765 and containing his reasons for not attempting to get the amendments in an Act passed in 1754 relative to paper currency carried into execution in pursuance of an instruction of his late Majesty to Gov. Dobbs.

Letter from Gov. Tryon to the Board dated 20th July 1767 transmitting Patents of lands granted in the Province of North Carolina in April 1767.

[P. 365.]

Thursday December 17th 1767

Several letters of reference from the Earl of Shelburne were read viz^t Letter from the Earl of Shelburne dated 14th Nov. 1767 refer-

ring to the Board for their Report two papers from the Gov^r of North Carolina relative to a Court of Exchequer in that Colony.

[P. 373.]

Thursday December 24th 1767.

Several Representations to His Majesty proposing the repeal of certain laws passed in North Carolina * * * having been prepared pursuant to order in the Minutes of the * 4th * inst. were approved transcribed and signed

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

LEGISLATIVE JOURNALS.

NORTH CAROLINA—SS.

At an Assembly begun and held at New Bern the 30th day of October in the year of our Lord one thousand seven hundred and sixty six and continued by several prorogations and adjournments until the fifth day of December anno Dom. 1767 and in the eighth year of the reign of our Sovereign Lord George the third by the grace of God of Great Britain &c^a being the second Session of this Assembly and now met at New Bern for the dispatch of public business.

In the Upper House.

Present

| | | | | |
|------------|---|-----------------|-------------------------|------------|
| The Honble | { | John Rutherford | W ^m Dry | } Esquires |
| | | Lewis DeRosset | Robt Palmer | |
| | | John Sampson | Benj ^a Heron | |

Then the House adjourned till Monday Morning 11 o'Clock

Monday Morning 7th December 1767

The House met according to adjournment

Present

| | | | | |
|------------|---|-----------------|-----------------------------|------------|
| The Honble | { | James Hasell | Alex M ^c Culloch | } Esquires |
| | | John Rutherford | W ^m Dry | |
| | | Lewis DeRosset | Robt Palmer | |
| | | John Sampson | Benj ^a Heron | |

Then his Excellency the Governor came to this House and was pleased to command the immediate attendance of the Speaker and

Assembly in the upper House who accordingly attended, and then his Excellency was pleased to deliver to both Houses the following Speech Viz^t

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL, MR SPEAKER AND
GENTLEMEN OF THE HOUSE OF ASSEMBLY,

It is with a peculiar satisfaction I meet you at this season, when a vacation from other public business gives you full leisure to go through the several matters that will now necessarily be objects of your deliberation

I am to inform you the business of running the dividing line between the western Frontiers of this Province and the Cherokee hunting grounds, has been carried into execution. That service upon the nearer approach of it appearing to be of the highest importance to the peace of this Country, determined me to accompany the Commissioners on that expedition as far as circumstances would permit. The papers relative to that service with an Account of the expences incurred thereon, I shall lay before you, recommending them to your inspection and allowance.

I cannot omit this opportunity of testifying my approbation and acknowledgments due to the good conduct and regular behaviour, both of the officers and soldiers that formed my escort, as well as to the Commissioners and other Gentlemen for their Assistance, The Cherokee chiefs fulfilled their engagements to us with the strictest Justice, I am inclined to believe I left them in such good dispositions toward the inhabitants of this Province, that by their experiencing a continuation of encouragement and protection from the Legislature, they will shew themselves not only our fast friends in any future Indian war in which we may be engaged, but also bring great part of their trade into this Government

I have next the pleasure to inform you the plan and elevation of the House voted to be built for the Governor for the time being having been transmitted to his Majesty, He has been graciously pleased to signify his approbation of the same. The progress and dispatch with which it has been carried on, will serve to show the necessity of my applying to you for a further aid, When I shall lay before you the plan of this building with an estimate of the charges of its construction, you will be better able to form a judgment what further sum will be immediately wanted to prevent the disadvantages that must arise from a deficiency of materials and

the necessity of soon discharging the present artificers and workmen, whose skill and diligence may not be easily replaced; circumstances that would not only stop the present undertaking but create a heavy additional expence to the Country whenever reassumed,

As, the Court Laws will now come under your consideration, I must observe; that Laws whose general systems and rules of proceeding have been found by experience to correspond with the circumstances and situation of a Country, have ever been esteemed beneficial. The present Laws therefore bearing that testimony I wish to see that stability given to them which they cannot derive from too limited a duration, in order to give them a further efficacy and dignity, I beg leave to point out to you the expediency of establishing a handsome salary on the Chief Justice suitable to that important station, and as the extent of his circuit and degree of duty, is evidently too weighty for one man to go through I would submit it to your consideration, whether it be not expedient to add a proper number of Associate Justices to constitute the Superior Court, granting them at the same time, such appointments or salaries as would induce Gentlemen of the first eminence at the Bar to fill those places.

Some further regulations appearing to be necessary in the department of the sheriffs office, I shall represent to you in the course of this Session the mischiefs fallen partly within my view that have attended the public for want of some points relative to that office being better ascertained; at the same time I must request you will provide the properest remedies against those inconveniences.

The counterfeit Bills now circulating among us tending to the most ruinous consequences to this Government, obliges me to apply to you for some redress proportioned to the evil. It evidently depreciates the small remainder of currency in the Country and deprives the Creditor of his just debts, wounds the credit of the public, and what is of further consequence too frequently extends to the impoverishing of families in the exchange of their property for these false bills, too artfully resembling the true for common discernment to detect them.

Gentlemen of the House of Assembly,

Not having any thing at present expressly from his Majesty to recommend to you, I shall embrace this occasion of urging the necessity of your making as well your public funds, as the embezzlements and irregularities practiced by several collectors of the

public revenues for some time past, a principal object of your important inquiries, I humbly submit it as my opinion, that no provisions will be found effectual against these abuses, as long as a jealousy subsists of the Chief Magistrate being particularly informed of the receipts and disbursements of the public money and until his freedom of inspection and examination into the state of the funds (which cannot imply a possibility of abuse to the Public) is admitted and acknowledged as necessary. Though this opinion is founded on a principle of equity and distributive Justice to the public, I shall nevertheless on a subject of this delicate nature rest my own judgment entirely on your wisdom and discretion.

The necessity of a Garrison at Fort Johnston directs me to apply to you for a continuance of a further establishment to that Fort. I am also under the necessity of recommending to you to lay a duty on the tonage of all vessels coming into this Country to be paid in gun powder and lead for his Majestys service and the uses of this Government, as it is essentially necessary that this Country should be always provided with those Articles against any sudden emergency.

As a certain proportion of the revenues of a Country is necessary for the support of its Government, I am to recommend to you the expediency of appropriating such a part of the revenue of this Province as will be necessary for the contingent charges thereof.

Gentlemen of His Majesty's Honble Council, Mr Speaker and Gentlemen of the House of Assembly,

My journey through many parts of the Province last Summer proved highly agreeable to me, I was pleased to see a spirit of industry and harmony diffused among the inhabitants permit me therefore to hope by the candor and concord of your counsels, these blessings may be encouraged and continued to them; and that the several important measures that will now come before you, may be affected in such a manner as will best promote the honor of His Majestys Government and the interest and prosperity of this Colony.

On motion ordered that His Excellency's Speech be read, and the same was accordingly read and taken under consideration and thereon ordered, That the Honble John Rutherford, Lewis DeRosset and Alex McCulloch Esq^{rs} be and are accordingly appointed a Committee to prepare an Address in answer to His Excellencys Speech.

Then the House adjourned till 10 o'clock tomorrow morning.

Tuesday Morning 8th December 1767

The House met according to adjournment

Present as before

Then the House adjourned till 10 °Clock tomorrow morning

Wednesday Morning 9th December 1767

The House met according to adjournment

Present as before.

Then the House adjourned till 10 °Clock tomorrow morning

Thursday Morning 10th December 1767

The House met according to adjournment

Present as before.

Received from the Assembly by Mr Dawson and Mr Person the following Message Vizt.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL

This House have appointed Mr Harnett, Mr Harris, Mr Person, Mr Dawson, Mr Willie Jones and Mr John Simpson a Committee of this House to settle the public accounts of this Province and Mr Caswell, Mr Benton, Mr Frohock, Mr Waddell, Mr Barron, Mr Haywood, Mr Bradford, Mr Loyd and Mr Kenan a Committee of this House to settle and allow the claims on the public in conjunction with such of your Honors as you shall think proper to appoint

JOHN HARVEY Speaker

By order

W^m HERRITAGE Clk

10th Dec 1767.

The Committee appointed by this House to draw up an address in answer to His Excellencys Speech reported that they had prepared the same which was ordered to be read, The same was read and approved of and Resolved that it stand the address of this House and be entered on the Journals thereof as follows, Vizt.

TO HIS EXCELLENCY WILLIAM TRYON ESQUIRE, HIS MAJESTY'S CAPTAIN GENERAL GOVERNOR, AND COMMANDER IN CHIEF, IN AND OVER THE PROVINCE OF NORTH CAROLINA,

The Humble Address of his Majestys Council of the said Province
MAY IT PLEASE YOUR EXCELLENCY,

We his Majestys most dutiful and loyal subjects the members of

His Council, beg leave to return your Excellency our hearty thanks for your Speech at the opening of this Session.

It is with pleasure we observe your Excellency has successfully carried into execution the Royal instruction for ascertaining the boundary between the Western Frontier of this Province and the Cherokee Indians; which we doubt not will be productive of very happy consequences, the great pains and trouble your Excellency has taken in this affair deserves our most sincere acknowledgments; and the progress and dispatch with which the building for the Governors residence has been carried on under your Excellencys directions merit our grateful thanks.

The great object of making Court Laws as proposed by your Excellency on which depends the internal welfare of this Province requires our most serious and deliberate attention.

We shall with cheerfulness take under our consideration and concur with the Assembly in every other measure proposed by your Excellency for promoting the Honor of His Majestys Government and the interest and prosperity of this Province.

Permit us Sir, to congratulate your Excellency on your safe return from your journey through several parts of this Province the last Summer; We truly rejoice that it has proved agreeable to you, and that the spirit of industry and harmony among the inhabitants gave you pleasure. It is our duty as well as inclination to render those blessings permanent, and therefore shall endeavour to promote that unanimity which at present subsists between the several branches of the Legislature that your Excellencys administration may be rendered as happy as you can wish and we desire.

Then the House adjourned till 10 o'clock tomorrow morning

Friday Morning December 11th 1767.

The House met according to adjournment

Present as before.

This House waited on his Excellency the Governor and by the Honble James Hasell Esq presented him with their Address, to which His Excellency was pleased to return the following Answer,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL

I thank you for your approbation of my endeavours to serve the public, and I esteem myself much honoured by the favorable recep-

tion you have given to the several matters recommended in my Speech to you.

As I have experienced great support in the administration of this Government by your Councils and advice it will be a peculiar object of my attention to cultivate a continuance of the same.

On motion the following Message |was sent to the Assembly Vizt

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

In answer to your Message relative to the Committees, we have appointed the Honble John Rutherford Alex M^cCulloch and William Dry Esquires a Committee of this House to examine state and settle the public accounts, and the Honble Lewis DeRosset, John Sampson and Benjamin Heron Esquires a Committee of this House to settle and allow the public Claims,

In the upper House 11th Dec, 1767.

By order

J. BURGWIN Clk.

Then the House adjourned till 10 °Clock tomorrow morning

Saturday Morning 12th December 1767

The House met according to adjournment

Present as before.

Received from the Assembly by Mr Blount and Mr Blinn, A Bill for building a public goal and goalers house for the District of New Bern in the Town of New Bern,

On motion the said Bill was read the first time and passed.

Then the House adjourned till 10 °Clock Monday morning

Monday Morning 10 °Clock 14th Dec

The House met according to adjournment

Present the same as before.

The Honble Samuel Strudwick Esq appeared and took his Chair accordingly

Received from the Assembly by Mr Waddell and Mr Jones a Bill to appoint a public Treasurer of the Northern District and other purposes,

Then the House adjourned till 10 °Clock tomorrow morning.

Tuesday Morning 10 °Clock 15th Dec

The House met according to adjournment

Present as before.

On motion the Bill to appoint a public Treasurer of the Northern District and other purposes was read the first time and passed

Then the House adjourned till 10 °Clock tomorrow morning

Wednesday Morning 16th Dec 1767.

The House met according to adjournment.

Present as before

The House then adjourned till tomorrow morning 10 °Clock.

Thursday Morning 17th Dec 1767.

The House met according to adjournment

Present as before.

Received from the Assembly by Mr Bradford and Mr Branch a Bill for regulating the inspection of Tobacco and preventing Frauds in His Majesty's Customs. On motion read first time and passed.

Received p. Mr Campbell and Mr Blinn a Bill for erecting in the Town of Salisbury a public goal pillory and stocks for the District of Salisbury in this Province. On motion read the first time and passed.

Then the House adjourned till 10 °Clock tomorrow morning.

Friday 18th December 1767.

The House met according to adjournment.

Present as before.

Received from the Assembly by Mr Campbell and Mr Spier a Bill to empower the Justices of Currituck County to build a prison pillory and stocks in the said County on the lot where the court house stands for the use of said County. On motion read the first time and passed.

Received from the Assembly by Mr Shepard and Mr Kennon the following Bills, towit,

A Bill for building a public goal and goalers house for the district of New Bern in the Town of New Bern, On motion read the second time and passed.

A Bill for dividing Dobbs County and other purposes. On motion read the first time and passed.

The House Adjourned till 10 °Clock tomorrow morning.

Saturday Morning 19th December 1767

The House met according to adjournment

Present as before.

Received from the Assembly a Bill for establishing a Ferry on Mr John Edmunds Landing on Roanoke &c^a

Received from the Assembly by Mr Haywood and Mr Branch the following Bills Viz^t

A Bill for dividing this Province into several Districts and for establishing a Superior Court of Justice in each of the said Districts and regulating the proceedings therein and for providing adequate salaries for the Chief Justice, Associate Justices and Clerks of said Superior Court.

A Bill for regulating the inspection of Tobacco and preventing frauds in his Majestys Customs.

A Bill to amend an Act Intituled an Act for the Regulation of the town of Wilmington.

A Bill for erecting in the Town of Salisbury a public goal, pillory and stocks for the districts of Salisbury in this Province.

A Bill directing the appointing Jurymen in all causes criminal and civil

A Bill for destroying crows and squirrels in the several Counties therein mentioned

Then the House adjourned till 11 o'Clock on Monday Morning

Monday Morning 21st December 1767

The House met according to adjournment

Present as before

On motion the following Bills were read Vizt

A Bill for dividing this Province into several Districts and for establishing a Supreme Court of Justice in each of the said Districts and regulating the proceedings therein and for providing adequate salaries for the Chief Justice Associate Justices and Clerks in the superior Courts read the first time and passed,

A Bill directing the method of appointing Jurymen in all causes criminal and civil, read the first time and passed,

Received from the Assembly by Mr Bradford and Mr Person the following Bills Vizt

A Bill to appoint a public Treasurer of the Northern District and other purposes

A Bill to impower the Justices of Currituck County to build a prison pillory and stocks in the said County on the lot where the Court House stands for the use of the said County.

A Bill for annexing part of Northampton County to the County of Bute.

On motion the following Bills were ordered to be read Vizt

A Bill for destroying crows and squirrels in the several Counties therein mentioned, read the first time and passed,

A Bill for establishing a ferry on Mr John Edmunds landing on Roanoke &c read the first time and passed.

A Bill for regulating the inspection of Tobacco and preventing frauds in his Majestys Customs, read the second time and passed with amendments

Received from the Assembly by Mr Jones and Mr Cole A Bill for dividing Dobbs County and other purposes

Then the House adjourned till 9 o'clock tomorrow morning

Tuesday Morning 22nd December 1767

The House met according to adjournment

Present as before.

On motion the following Bills were ordered to be read,

A Bill to amend an Act Intitled an Act for the regulating of the Town of Wilmington, read the first time and passed.

A Bill for annexing part of Northampton County to the County of Bute, read the first time and passed

A Bill to impower the Justices of Currituck County to build a prison pillory and stocks in the said County on the lot where the court house stands for the use of the said County, read the second time and passed.

Received from the Assembly by Mr Waddell and Mr Jones a Bill for dividing this Province into six several districts and for establishing a superior Court of Justice in each of the said Districts and regulating the proceedings therein and for providing adequate salaries for the Chief Justice Associate Justices and Clerks of the said Superior Courts.

On motion ordered that the Chief Justice have notice that the Superior Court Bill be read tomorrow morning at 10 o'clock in this House when he may attend to answer such questions as may arise on the subject matter of the said Bill, and that the following Letter be sent to him accordingly Viz^t

SIR. I am ordered to acquaint you that the Superior Court Bill will be read in the Upper House tomorrow morning at 10 o'clock and the house desires you will please to attend as questions may arise on the subject matter of the said Bill relative to your Office

I am sir yours M^t obed^t

22nd Dec 1767.

Then the House adjourned till 9 o'clock tomorrow

Wednesday Morning 23rd Dec 1767

The House met according to adjournment

Present as before.

Received from the Assembly by Mr Haywood and Mr Sawyer a Bill for enlarging the time allowed for saving lots in the Town of Tarborough and appointing Trustees for the said Town

On motion read the first time and passed, and,

A Bill for building a public goal and goalers house for the District of New Bern in the Town of New Bern.

On motion ordered that the Bill for dividing this Province into six several Districts and for establishing a Superior Court of Justice in each of the said Districts and regulating the proceedings therein and for providing adequate salaries for the Chief Justice, Associate Justices and Clerks of the said Superior Courts. The said Bill was read the second time amended and passed.

Received from the Assembly by Mr Robert Howe and Mr Harnett the following Message and Resolve Viz^t

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

We herewith send you a Resolve of this House relative to the appointment of a Captain Commandant and ten men to Garrison Fort Johnston and desire your Honors Concurrence

By order

W^m HERRITAGE Clk.

23rd Dec 1767.

In the Assembly Saturday the 19th Dec. 1767.

Resolved, that a Captain Commandant and ten men be employed to Garrison Fort Johnston and that the said Captain be allowed six shillings and eight pence p. diem and each man one shilling and four pence p. diem, and eight pence p. diem for subsistence for one year and from thence to the end of the next session of Assembly

JOHN HARVEY Speaker

In the Upper House 23rd December 1767.

On motion the above Resolve was taken under consideration and concurred with JAS HASELL President

By order J. B. Clk.

Received from the Assembly by Mr Harnett and Mr Ashe a Bill for regulating the inspection of Tobacco and preventing frauds in His Majestys Customs.

Received from the Assembly by Mr Campbell and Mr Phifer a Bill for destroying crows and squirrels in the several counties therein named, Read the second time and passed.

Received from the Assembly by Mr Person and Mr Spencer the following Bills Viz^t

A Bill to amend and continue the several Acts for establishing Inferior Courts of pleas and quarter Sessions in the several Counties in this Province, On motion read the first time and passed.

An additional Bill to an Act for erecting a convenient building within the Town of New Bern for the residence of the Governor or Commander in Chief for the time being. On motion read the first time and passed.

Then the House Adjourned till 10 o'clock tomorrow morning.

Thursday Morning 24th Dec 1767.

The House met according to adjournment

Present as before

Received from the Assembly by Mr Person and Mr Spencer, A Bill for annexing part of Northampton County to the County of Bute, read the second time and passed.

Received from the Assembly by Mr Bradford and Mr Branch a Bill for establishing a Public ware House in the Town of Halifax and for the inspection of hemp, On motion read the first time and passed

Received from the Assembly a Bill for annexing part of Northampton County to the County of Bute

Then the House adjourned till 10 o'clock tomorrow morning.

Friday Morning 25th December 1767

The House met according to adjournment

Present as before

The House adjourned till tomorrow 10 o'clock.

Saturday Morning 26th December 1767.

The House met according to adjournment

Present as before,

The House adjourned till 10 o'clock on Monday morning.

Monday Morning 28th December 1767

The House met according to adjournment,

Present as before.

On motion ordered that the Bill for erecting in the Town of Salisbury a public goal, pillory and stocks for the District of Salisbury in this Province be read—the said Bill was accordingly read the second time, amended and passed.

The Bill for dividing Dobbs County and other purposes read the second time and rejected

Received from the Assembly by Mr Knox and Mr Cole the following Bills Viz^t

A Bill for establishing a school house in the Town of Edenton, On motion read the first time and passed.

A Bill for enlarging the time allowed for saving lots in the Town of Tarborough, On motion read the second time and passed,

A Bill to continue an Act Intituled an Act for enlarging the time allowed for saving lots in the Town of Hertford and other purposes, and to establish a ferry from the Town of Hertford on the West side of Perquimans River to Newbys Point on the East side of said River On motion read the first time and passed.

Then the House adjourned till 10 o'clock tomorrow morning

Tuesday Morning 29th December 1767

The House met according to adjournment

Present as before.

Received from the Assembly by Mr Moore and Mr Sawyer a Bill to amend an Act for the regulation of the Town of Wilmington and other purposes,

Received from the Assembly by Mr Harris and Mr Campbell the following Bills Viz^t

A Bill to empower the Justices of Currituck County to build a prison pillory and stocks in the said County on the lot where the Court House stands for the use of the said County.

A Bill to continue an Act Intituled an Act for enlarging the time allowed for saving lots in the Town of Hertford on the west side of

Perquimans River, On motion read the second time amended and passed

A Bill to amend and continue an Act Intitled an Act for rendering more effectual the several Laws making land and other real estates liable to the payment of Debts.

On motion read the first time and passed.

Received from the Assembly by Mr Jones and Mr Blount the following Bills Viz^t

A Bill for establishing a school house in the Town of Edenton, On motion read the second time amended and passed

A Bill for erecting in the Town of Salisbury a public goal, pillory and stocks for the District of Salisbury in this Province.

A Bill to amend an Act Intitled an Act for facilitating the navigation of Port Bath, Port Roanoke, &c^a On motion read the first time and passed.

Received from the Assembly^p. Mr Blount and Mr Howe the following Bills

A Bill for establishing public warehouses in the Town of Halifax and Campbelton and for the inspection of hemp.

A Bill for printing and publishing the several Acts of Assembly of this Province.

A Bill for dividing this Province into six several Districts and for establishing a Superior Court of Justice in each of the said districts and regulating the proceedings therein and for providing adequate salaries for the Chief Justice and Associate Justices of the said Superior Courts.

Then the House adjourned till 9 o'clock tomorrow morning.

Wednesday Morning 30th Dec 1767

The House met according to adjournment.

Present as before.

On motion the Bill to appoint a public Treasurer of the Northern District and other purposes was ordered to be read, The same was accordingly read, amended and passed the second time.

Received from the Assembly by Mr Knox and Mr Harvey the following Bills.

A Bill to continue an Act Intitled an Act for enlarging the time for saving lots in the Town of Hertford and other purposes and to establish a ferry from the Town of Hertford on the West side of Perquimans River &c^a

A Bill for enlarging the time allowed for saving lots in the Town of Tarborough and appointing Trustees for the said Town.

A Bill for destroying crows and squirrels in the several counties therein mentioned

On motion the following Bills were ordered to be read Viz^t

A Bill for regulating the inspection of Tobacco and preventing frauds in his Majestys Customs, Read the third time and passed.

Ordered to be engrossed.

Received from the Assembly by Mr Jones and Mr Hewes the following Bills Viz^t

An additional Bill to an Act for erecting a convenient building within the Town of New Bern for the residence of the Governor or commander in chief for the time being.

A Bill for dividing the County of Mecklenburg and other purposes.

The House adjourned till 9 o'clock tomorrow morning.

Thursday Morning 31st Dec 1767

The House met according to adjournment

Present as before.

Received from the Assembly by Mr Hardy and Mr Blinn the following Bills Viz^t

A Bill for rating gold and silver coin and making it a tender in all payments On motion read the first time and passed.

A Bill for the further amending an Act Intituled an Act to prevent the exportation of unmerchantable commodities, On motion read the first time and passed with amendments.

A Bill to amend an Act Intituled an Act for establishing a Town on the lands of John and William Russell minors sons of John Russell deceased on the West side of the North West branch of Cape Fear River near the mouth of Cross Creek by the name of Campbelton and other purposes,

A Bill to amend an Act Intituled an Act for facilitating the navigation of Port Bath, Port Roanoke and Port Beaufort. On motion read the second time and passed.

A Bill for establishing a school house in the Town of Edenton

Received from the Assembly by Mr Cray and Mr Benton a Bill to amend and continue Acts for establishing Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province.

On motion the following Bills were ordered to be read, Viz^t.

A Bill for erecting in the Town of Salisbury a public goal pillory and stocks for the District of Salisbury in this Province, read the third time and passed, Ordered to be engrossed,

A Bill for building a public goal and goalers house for the District of New Bern in the Town of New Bern, read the third time and Ordered that the following Message be sent to the Assembly, Viz^t

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading a third time the Bill for building a public goal and goalers house for the District of New Bern in the Town of New Bern, We would propose that Saml. Cornell and John Hawks Esqs be inserted in the said Bill as Trustees in conjunction with the three Gentlemen already named in the Bill for the purposes therein mentioned — to which if you agree to send some of your Members to see the names inserted

31st Dec 1767. In the upper House.

By order

J. B. Clk.

A Bill for establishing Public warehouses in the Town of Halifax and Campbellton and for inspection of hemp and flax, Read second time amended and passed.

Received from the Assembly by Mr Jacob Blount and Mr Caswell the following Message Viz^t.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL.

In answer to your Message of this day wherein you propose to insert Samuel Cornell and John Hawks Esqs Trustees in Conjunction with the three Gentlemen already named in the Bill for building a public goal and goalers House in the Town of New Bern — We agree thereto and send Mr Jacob Blount and Mr Richard Caswell two of the Members of this House to see the same inserted

JOHN HARVEY Speaker

Then the names in the Message mentioned were inserted in the Bill in presence of the Members sent for that purpose and then the Bill was on Motion again read and passed. Ordered to be engrossed.

A Bill to impower the Justices of Currituck County to build a prison pillory and stocks in the said County on the lot where the court house stands for the use of the said County. Read the third time and passed, Ordered to be engrossed.

Received from the Assembly by Mr Hardy and Mr Respass the following Bills Viz^t

A Bill for vesting certain lots in the Town of New Bern in His Excellency the Governor and his Successors, On motion read the first time and passed.

A Bill for regulating the method to be observed in taking up of stray horses. On motion read the first time and rejected.

A Bill for establishing a vestry elected for the Parish of St Stephens in Johnston County, On motion read the first time and passed.

A Bill concerning free negroes, On motion read the first time and passed

Then the House adjourned till 10 o'clock tomorrow morning [1st January 1768]

[For subsequent proceedings see Records of year 1768—EDITOR.]

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 32.]

NORTH CAROLINA—SS.

At an Assembly begun and held at Newbern the third day of November in the seventh year of the reign of our Sovereign Lord George the third by the Grace of God of Great Britain France and Ireland King Defender of the Faith (and so forth) and in the year of our Lord one thousand seven hundred and sixty six and from thence continued by prorogation to the fifth day of December in the eighth year of the reign of our said Sovereign Lord the King and in the year of our Lord one thousand seven hundred and sixty seven being the second Session of this present Assembly —

In the House of Assembly
Saturday the 5th December 1767.

M^r Speaker and twenty five members appeared.

On motion Ordered M^r Waddell and M^r Thomas Howe wait on his Excell^{cy} the Governor and acquaint him the House is met and desire to know when they shall wait on him, and being returned, brought for answer that His Excellency would receive the House on Monday next at 12 o'clock.

M^r Robert Howe acquainted the House that M^r John Paine late one of the Members for Brunswick County M^r Stephen Williams late

one of the Members for Currituck County and M^r Samuel Swann late one of the Members for Pasquotank County are dead, and that M^r Richard Cogdell one of the Members for Carteret County having accepted the office of Inspector in Newbern Town and thereby his seat in the House is become vacant.

On motion resolved a message be sent to His Excellency the Governor desiring he would be pleased to direct the Clerk of the Crown to issue writs for electing Members for the said several Counties to sit and vote in this present Assembly in the room and stead of the said M^r John Paine, M^r Stephen Williams, M^r Samuel Swann and M^r Richard Cogdell.

Sent the following message to His Excellency the Governor viz^t:

SIR,

This House beg leave to inform your Excell^y that M^r John Paine, late one of the Members for Brunswick County, M^r Stephen Williams one of the Members for Currituck County, and M^r Samuel Swann late one of the Members for Pasquotank County are dead and M^r Richard Cogdell one of the Members for Carteret County hath accepted the Office of Inspector in the Town of Newbern whereby his seat in this House by law is become vacant.

Therefore desire your Excell^y will be pleased to direct the Clerk of the Crown to issue writs for electing Members for the said several Counties to sit and vote in this present Assembly in the room and stead of the said M^r Paine, M^r Williams, M^r Swann and M^r Cogdell.

JOHN HARVEY, Speaker.

5th Dec^r 1767.

Sent by M^r Jacob Blount and M^r Cor^s Harnett.

M^r Joseph Montford the Member for Halifax Town appeared.

Two of the Members of His Majesty's honorable Council came to the House, and M^r Joseph Montford the Member for the Town of Halifax took the oaths by law appointed to his qualification subscribed the test and took his seat in the House.

M^r William Cray moved for leave to absent [himself] from the service of the House till Monday sevenight,

Ordered he have leave accordingly.

Then the House adjourned till Monday morning 11 o'clock.

Monday the 7th Dec^r 1767.

The House met according to Adjournment.

M^r Benj^a Hardy one of the Members for Johnston County appeared.

His Excell^y the Governor sent a message to this House requiring the immediate attendance thereof in the Council Chamber.

M^r Speaker with the Members waited on His Excellency the Governor in the Council Chamber then and there His Excell^y was pleased to make a speech to this House, a Copy of which to prevent mistakes M^r Speaker obtained. Then M^r Speaker with the House returned, And M^r Speaker acquainted the House that he with the Members thereof had waited on his Excell^y the Governor in the Council Chamber and that his Excell^y had made a speech to this House and laid the same before them.

On motion Ordered the same be read. The same was read and ordered to be entered on the Journals of this House, and is as follows viz^t:

[For the Governor's speech see Journals of the Upper House. — EDITOR.]

M^r Ashe moved His Excellency's Speech lye till to morrow for consideration.

Then the House adjourned till 10 o'clock tomorrow morning.

Tuesday the 8th December 1767.

The House met according to Adjournment.

M^r John Frohock, M^r Griffith Rutherford, M^r John Simpson, M^r John Spier, M^r Maurice Moore, and M^r Henry Dawson appeared.

Two of the Members of His Majesty's Hon^{ble} Council came to the House and M^r Willie Jones and M^r Benj^r Hardy took the Oaths by Law appointed for their qualification subscribed the Test, and took their seats in the House.

The Order of the day being read, Resolved the consideration of His Excellency the Governor's Speech lye over till to morrow.

Then the House adjourned till tomorrow morning 10 o'clock.

Wednesday the 9th of December 1767.

The House met according to Adjournment.

M^r Abraham Shepard one of the Members for Dobbs County appeared and took his seat.

The Order of the day being read the House resolved into a Committee of the whole House to consider the several matters referred to by His Excellency in his speech to the Assembly for consideration and unanimously chose M^r Richard Caswell Chairman who was placed in the chair. After some time spent therein and the several matters in the said speech recommended fully understood the said Committee came to several resolutions thereon which M^r Chairman was directed to report to the House.

Then M^r Speaker resumed the chair

M^r Chairman reported that the Governor's speech was read in the said Committee and that they had come to several resolutions thereon which he laid before the House and were agreed to.

Resolved the said several resolutions of the said Committee be instructions to the Committee to be appointed to prepare an address in answer to his Excellency the Governor's Speech.

On motion Ordered M^r Robert Howe, M^r Mau: Moore and M^r Harnett be appointed a Committee to draw an address in answer to his Excellency the Governor's speech and they are appointed accordingly — and that they lay the same before the House for approbation.

Then the House adjourned till 10 o'clock to morrow morning.

Thursday. the 10th of December 1767.

The House met according to Adjournment.

M^r Benj: Person and M^r John Smith appeared and took their seats in the House.

M^r Thomas Howe moved for leave to absent [himself] from the services of the House till Monday next.

Ordered he have leave accordingly.

M^r Robert Howe from the Committee appointed to prepare an address in answer to his Excell^y the Governor's speech reported the Committee had prepared the same which he laid before the House for approbation.

Ordered the same be read — The same was read and resolved that the said address stand the address of this House and be entered on the Journal thereof as follows, to wit,

NORTH CAROLINA—Ss.

TO HIS EXCELLENCY WILLIAM TRYON ESQUIRE HIS MAJESTY'S CAPTAIN GENERAL GOVERNOR AND COMMANDER IN CHIEF IN AND OVER THE SAID PROVINCE.

SIR, We His Majesty's most dutifull and loyal Subjects the Members of Assembly of North Carolina beg leave to return your Excellency our thanks for your speech at the opening of this Session.

We cannot Sir but be sensible of the high obligation conferred upon us by your Excellency in superintending in person the running of the dividing lines between the Western Frontiers of this Province and the Cherokee hunting Grounds; and at the same time that we return you our warmest thanks for this important service, permit us to express the gratitude we feel for the unwearied attention your Excell^y has always shown to every circumstance productive of the public good, which with your wisdom, care and diligence in the executive parts of Government, and that rectitude so apparent in all your actions demonstrate both to us and to the world how truly deserving you are of that confidence reposed in you by our royal Sovereign in the important appointment with which he has been graciously pleased to honour you.

We are very glad to be informed that your Excell^y was pleased with the conduct of the Officers and soldiers that composed your escort, and also with the conduct of the Comm^{rs} and other Gent^m who attended the running of the line. This House Sir, can receive no stronger Testimony of their good behaviour than their having met with your Excellency's approbation.

Whenever the papers relative to that service with the account of the expenses incurr'd thereon are laid before us we shall proceed to make a suitable allowance.

The thanks of the Public Sir, are justly due to your Excellency for the care and trouble you have been pleased to take in the erection of a House for the Governor for the time being and the great diligence, dispatch and propriety with which it has been executed makes, we doubt not, an application for a further aid necessary to its future progress, which consistent with the abilities and very distressed state of our Constituents we shall be willing to promote.

The Court laws which your Excellency has been pleased to recommend to us with a particularity the importance of the subject so justly merits shall receive the fullest consideration of this House, and such measures be pursued as shall appear to us to be most salu-

tary in their consequences, strictly agreeing with your Excellency that those Laws which experience has taught us are adapted to the circumstances and situation of a Country must always be beneficial to the Public.

The abuses in the department of the Sheriff's Office cry aloud for and shall receive the strictest attention and correction; and when your Excell^y shall be pleased to favour this House with the representations you so obligingly promise to lay before us we shall duly attend to the inconveniencies you point out, and endeavour to provide the properest remedies; nor shall the imbezzlement and irregularities committed by other Collectors of the Public revenues escape the most exact enquiry nor anything be wanting on our part to prevent such abuses for the future.

We allow, Sir, that a proportion of the revenues of a Country is absolutely requisite to the support of its Government: what your Excell^y therefore has said on that head shall be taken into consideration as well as every other matter and thing you have been pleased either to mention or recommend to us. Permit us, Sir, to express the happiness we feel on being informed from such good authority as your Excellency's own observation that Harmony and Industry prevail in this Province, such a disposition in our people was never more essentially necessary than at this particular crisis when, distress, almost to ruin seems to be our inevitable lot, from the great want of a sufficient quantity of circulating currency to serve as a medium in Trade, the efforts therefore of industry will not fail to receive the utmost encouragement we can bestow, and every laudable measure be made use of by us to avert or delay the impending mischiefs, which from the still greater scarcity of a currency must consequently ensue. Your Excell^y may be assured no method in our power shall be unpursued which can promote the honour of His Majesty's Government, the Happiness of your Excellency's Administration and the true interest and prosperity of this Province.

JOHN HARVEY. Speaker.

Dec^r 11th 1767.

M^r Harnett, M^r Harris, M^r Person, M^r Dawson, M^r Fanning, M^r Willie Jones and M^r Simpson are appointed a Committee to settle the public accounts of this Province; and M^r Caswell, M^r Benton, M^r Frohock, M^r Waddell, M^r Barrow, M^r Haywood, M^r Bradford, M^r

Lloyd and M^r Kenan are appointed a Committee to settle and allow the claims on the Public.

Ordered the following message be sent to His Majesty's Council viz^t

GENT^m OF HIS MAJESTY'S HON^{ble} COUNCIL

This House have appointed M^r Harnett, M^r Harris, M^r Person, M^r Dawson, M^r Fanning, M^r Willie Jones and M^r John Simpson a Committee of this House to settle the Public Accounts of this Province, and M^r Caswell, M^r Benton, M^r Frohoek, M^r Waddell, M^r Barrow, M^r Haywood, M^r Bradford, M^r Lloyd and M^r Kenan a Committee of this House to settle and allow the claims on the Public in Conjunction with such of your Honours as you shall think proper to appoint.

JOHN HARVEY. Speaker.

By order W^m HERITAGE, Clk.

10th Dec^r 1767.

Sent by M^r Dawson and M^r Person.

M^r Shepard, M^r Harris, M^r Lloyd, M^r Jacob Blount, M^r Benj: Blount, M^r Barrow, M^r Rutherford, M^r Branch, M^r Dawson, M^r Kenan, M^r Benj: Ward, M^r Polk, M^r Waddell, M^r Rich^d Ward, M^r Spier, M^r John Smith, M^r Harnett and M^r Haywood are appointed a Committee on Propositions and Grievances.

On motion Ordered M^r Caswell, M^r Fanning and M^r Frohoek be appointed a Committee to examine into the state of the public funds and report the same to the House.

Then the House adjourned till 10 o'clock tomorrow morning.

Fryday the 11th December 1767

The House met according to Adjournment.

Mr Farquhar Campbell appeared and took his seat in the House.

A certificate of the election of M^r John Walsh a representative for Campbellton was returned by the Clerk of the Crown pursuant to which M^r John Walsh appeared.

M^r Francis Ward moved for leave to absent [himself] from the service of the House till Monday sevenight; and M^r Jacob Blount moved for leave to absent [himself] from the service of the House till Monday next.

Ordered they have leave accordingly.

M^r Howe and M^r Fauning waited on his Excellency the Governor and acquainted him the House desire to know when they

shall wait on him with the address thereof, returned for answer that His Excellency will let them know when he would receive them.

His Excell^y the Gov^r sent a verbal message by M^r Edwards, requiring the immediate attendance of the House with the Address thereof.

M^r Speaker and the Members of the House waited on his Excell^y the Gov^r in the Council Chamber, and M^r Speaker presented the Address thereof to His Excell^y who was pleased to answer the same a Copy of which to prevent mistakes M^r Speaker obtained and reported the same to the House, which was ordered to be read, the same was read; and ordered to be entered on the Journals of the House — And is as follows — to wit —

M^r SPEAKER & GENT^m OF THE HOUSE OF ASSEMBLY.

The hon^{ble} Testimonies you give me in your approbation of my slender services to this Province and my endeavours to discharge the important duties of a station His Majesty has honored me with in this Government merit my warmest acknowledgments.

I am happy to receive your assurances to take into your consideration the several matters I recommended to you, as by the exertion of your abilities I doubt not but the most effectual measures will be pursued for the accomplishment of the grand ends in view.

The distresses you take notice this Country feels for want of a greater circulation of Currency I flatter myself will be relieved in due season by the wisdom of His Majesty and His Parliament.

A steady pursuit of the laudable views of Government you have adopted will add new life to my zeal and affection for the welfare of this Country, as your inclination to promote the happiness of my Administration receives the tribute of my unfeign'd thanks. —

Two of the Members of His Majesty's Council came to the House and M^r John Walsh appeared — took the Oaths by Law appointed for his qualification subscribed the Test and took his seat in the House.

Received the following message from His Majesty's Hon^{ble} Council — viz^t —

M^r SPEAKER & GENT^m OF THE HOUSE OF ASSEMBLY,

In answer to your message relative to the Committees we have appointed the hon^{ble} John Rutherford, Alexander McCulloch and William Dry Esq^r a Committee of this House to settle the Public

Accounts, and the hon^{ble} Lewis DeRossett, John Sampson and Benjamin Heron Esq^{rs} a Committee of this House to settle and allow the Public Claims.

In the Upper House 11th Dec^r 1767.

By Order JOHN BURGWIN Clk.

M^r Robert Howe moved that the House tomorrow resolve into a Committee of the whole House to take under consideration a plan for establishing a system of Court Laws.

Resolved the House resolve into a Committee of the whole House for the purposes aforesaid.

M^r Caswell moved for leave to present a Bill for building a Goal & goalers House for the district of New Bern in the Town of New Bern.

Ordered he have leave accordingly.

M^r Caswell presented the above mentioned Bill which he read in his place and delivered in at the table where the same was again read by the Clerk pass'd and ordered to be sent to the Council.

Sent by M^r Blount and M^r Blinn.

On motion Ordered that M^r Waddell, M^r Frohock, M^r Ashe, M^r Rob^t Howe and M^r Fanning be appointed a Committee to prepare and bring in a Bill for establishing and appointing a militia and they are accordingly appointed.

Then the House adjourned till 10 o'clock tomorrow morning.

Saturday the 12th December 1767

The House met according to adjournment.

M^r Samuel Johnson and M^r Joseph Williams appeared and took their seats.

The Order of the day being read the House resolved into a Committee of the whole House to take under consideration a plan for establishing a system of Court Laws; and M^r Joseph Montford was unanimously appointed chairman and took the chair accordingly, after some time spent therein the Committee came to several resolutions which M^r Chairman was directed to report to the House,

Then on motion the Committee arose and M^r Chairman resumed the chair.

M^r Chairman reported that the Committee had taken under consideration a plan for establishing a system of Court Laws and came

to several resolutions thereon but not having time fully to consider the matters laid before them desire leave to sit again on Monday next. Resolved the said Committee sit again on Monday next.

M^r Fanning moved for leave to present a Bill for appointing a public Treasurer for the Northern District and other purposes.

Ordered he have leave accordingly.

M^r Fanning presented the above mentioned Bill which he read in his place and delivered in at the table where the same was again read by the Clerk pass'd and ordered to be sent to the Council.

Sent by M^r Waddell and M^r Jones.

Then the House adjourned till 10 o'clock Monday morning.

Monday the 14th December 1767.

The House met according to adjournment.

The Order of the day being read the House resolved into a Committee of the whole House and M^r Chairman took the chair, after some time spent therein the Committee came to several resolutions thereon, then the motion was made that the Committee rise, the Committee arose, and M^r Speaker resumed the chair. Resolved the Committee sit again to morrow.

Then the House adjourned till 10 o'clock to morrow morning.

Tuesday the 15th December 1767.

The House met according to adjournment.

The Order of the day being read the House resolved into a Committee of the whole House and M^r Chairman took the chair after some time spent therein the Committee came to several resolutions thereon, then the motion was made that the Committee rise, the Committee arose and M^r Speaker resumed the chair.

M^r Chairman reported that the Committee have had under consideration the plan for establishing a system of Court Laws and came to several resolutions thereon which he reported to the House, The same were read. Resolved that the report of the said Committee be instructions to the Committee to be appointed to prepare and bring in a Bill for establishing a system of Court Laws.

Then on motion Ordered that M^r Maurice Moore, M^r Harnett, M^r Ashe, M^r Barrow and M^r Robert Howe prepare and bring in a Bill dividing this Province into five several Districts and for establishing a superior Court of Justice in each of the said districts and regulating the Proceedings therein.

On motion Ordered M^r Dawson, M^r Caswell, M^r Cray, M^r Benton, M^r Jones, M^r Person and M^r Johnson be appointed to prepare and bring in a Bill to amend and continue the several Acts for establishing inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province and regulating the Proceedings therein, and they are accordingly appointed.

M^r Caswell moved for leave to bring in a Bill for appointing jury-men in all causes criminal and civil.

Ordered he have leave and that he prepare and bring in the same.

Then the House adjourned till 10 o'clock tomorrow morning.

Wednesday the 16th December 1767.

The House met according to adjournment.

M^r Benj. Wynns one of the Members for Hertford County appeared.

M^r Edward Vail appeared and took his seat in the House.

A Certificate from the County Court of Granville was produced to the House therein recommending William Jennings to be exempt from paying public Taxes. Granted —

A Certificate from the County Court of Northampton was produced therein recommending Patience Murrell, George Barclay, Elizabeth Jordan, Zion Hill & John Wade to be exempt from paying public taxes. Granted.

And Certificates from the Court of Bute County therein recommending William Bailey, William Russell, and Edward Cary to be exempt from paying public taxes. Granted — but as to William Cary — rejected.

Received from the Council the Bill for building a Goal and Goaler's House for the district of New Bern in the Town of New Bern. Endorsed 12th Dec^r 1767. — In the Upper House read the first time and passed.

And the Bill to appoint a public Treasurer for the Northern District and other purposes. Endorsed 15th Dec^r 1767. In the Upper House read the first time and pass'd.

Two of the Members of His Majesty's hon^{ble} Council came to the House & M^r Benj. Wynns appeared took the Oaths by Law appointed for his qualification subscribed the test and took his seat in the House.

M^r Willie Jones presented the petition of John Edmunds setting forth he is possessed of a piece of land on the North side of Roanoak

river thro' which there is & has been for many years a public road & ferry &c, Praying an Act may pass for establishing a Ferry and road from & through the said land &c. Which was read & M^r Willie Jones moved for leave to prepare & bring in a Bill pursuant to the prayer of the said petition, to which M^r Dawson objected On which the question was put and pass'd in the affirmative. Then on motion Ordered M^r Jones prepare & bring in a Bill pursuant to the prayer of the said Petition.

On motion Ordered M^r Cray be added to the Committee of Accounts.

M^r Campbell moved for leave to present a Bill to empower the Justices of Currituck County to build a Prison Pillory and Stocks on the land whereon the Court House now stands.

Ordered he have leave accordingly.

M^r Campbell presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk pass'd and ordered to be sent to the Council.

Sent by M^r Campbell & M^r John Spiers.

Received from his Excell^y a written message by M^r Edwards as follows — viz^t

M^r SPEAKER & GENT^l OF THE HOUSE OF ASSEMBLY.

I send you herewith a estimate of the claims of the several persons who attended on the service of running a dividing line between the Western Frontiers of this Province and the Cherokee Hunting Grounds, the Comm^{rs} charges only excepted for your approbation and allowance the sums due to the non commissioned officers and private men, from the difficulty that would have arose to them in getting their pay after their separation I advanced to them on the credit of the Public at the time they were dismiss'd the service.

I also send you the several papers, relative to the above service, except the deed of settlement between the Comm^{rs} and Indians, which is lodged in the Secretary's Office.

W^m TRYON.

And also the several papers referred to therein.

On motion Ordered the said Message and the said several papers lye for consideration.

On motion resolved M^r Elmsley, M^r Fanning & M^r Montford be appointed a Committee to prepare and bring in a Bill for amending

and reducing into one Act of Assembly the several Laws of this Province for appointing Sheriffs and regulating their duty in Office and they are appointed accordingly.

M^r Montford moved for leave to present a Bill for regulating the inspection of Tobacco and preventing Frauds in his Majesty's Customs.

Ordered he have leave accordingly.

M^r Montford presented the above mentioned Bill which he read in his place and delivered at the Table where the same was again read by the Clerk pass'd and ordered to be sent to the Council.

Sent by M^r Bradford and M^r Branch.

Then the House adjourned till tomorrow morning 10 o'clock.

Thursday the 17th of December 1767.

The House met according to Adjournment.

M^r William Bartram one of the Members for Bladen County appeared and took his seat in the House.

A Certificate from the Court of Johnston County produced therein recommending Joseph Langston Jun^r John Walker and Jacob Stephens to be exempt from paying Public taxes and doing Public duties. — Granted.

And Ralph Broadrick from paying Public taxes — Granted.

M^r Dawson presented the petition of sundry inhabitants of Northampton County setting forth the utility of establishing a town on Meherin River in the said County at Figures' Warehouse in the fork of said river and Kerbys Creek &c.

Praying a Town be established at the Town aforesaid, which was read and On motion Ordered, M^r Dawson, M^r Willie Jones and M^r Benj: Wynns prepare and bring in a Bill pursuant to the Prayer of the said Petition.

On motion Ordered M^r Johnson and M^r Hewes be added to the Committee of Accounts.

M^r Frohock moved for leave to present a Bill for erecting in the Town of Salisbury a Public Gaol, Pillory and Stocks for the District of Salisbury in this Province.

Ordered he have leave accordingly.

M^r Frohock presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk pass'd and ordered to be sent to the Council.

Sent by M^r Campbell and M^r Blinn.

M^r Waddell laid before the House the Accounts of the Cm^{rs} appointed by his Excell^y for running the dividing line between this Province and the Cherokee Hunting Grounds, which was read; and ordered to lye for consideration.

Then the House adjourned till tomorrow morning 10 o'clock.

Friday the 18th of December 1767.

The House met according to Adjournment.

Received from the Council the Bill for erecting in the Town of Salisbury a Public Gaol, Pillory and Stocks for the District of Salisbury in this Province — And the Bill for regulating the inspection of Tobacco and preventing frauds in His Majesty's Customs. Endorsed 17th Dec^r 1767. In the Upper House read the first time and passed.

M^r Shepard presented a Petition of the Inhabitants of Dobbs County setting forth that the Court House in the said County and the situation of the same renders it inconvenient for holding the Courts for this County &c.

Praying the said County may be divided &c. Which was read, and M^r Shepard moved for leave to present a Bill pursuant to the Prayer of the said Petition.

Ordered he have leave accordingly.

M^r Shepard presented a Bill for dividing Dobbs County and other purposes — which he read in his place and delivered in at the Table where the same was read again by the Clerk pass'd and ordered to be sent to the Council.

Sent by M^r Shepard and M^r Kenan.

On motion Ordered the Bill for building a Goal & Goaler's House for the district of Newbern &c. be read a second time. Read the same a second time amended, pass'd and ordered to be sent to the Council.

Sent by M^r Shepard & M^r Kenan.

M^r Jones pursuant to Order brought in a Bill for establishing a Ferry at M^r John Edmunds landing on Roanoak &c. which he read in his place & delivered in at the Table where the same was again read by the Clerk pass'd and ordered to be sent to the Council.

Sent by M^r Jones & M^r Person.

On motion the Bill to appoint a Public Treasurer for the Northern District &c. be read a second time. Read the same a second time amended pass'd & ordered to be sent to the Council.

Sent by M^r Bradford & M^r Person.

Received from the Council the Bill for dividing Dobbs County & other purposes — And the Bill to empower the Justices of Currituck County to build a Prison, Pillory & Stocks in said County &c. Ended 18th Dec^r 1767. In the Upper House read the first time and pass'd.

M^r Person presented a petition from the Inhabitants of the Westernmost part of Northampton County setting forth that they labour under great hardships &c in attending the inferior Courts and other Public Meetings in the said County, at the now Court House &c. Praying a Law may pass for annexing part of said County of Northampton to Bute County — Which was read.

And M^r Person moved for leave to bring in a Bill pursuant to the prayer of the said Petition —

Ordered he have leave accordingly —

M^r Person presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk pass'd and ordered to be sent to the Council.

Sent by M^r Bradford & M^r Person.

Then the House adjourned till 4 o'clock afternoon.

P. M. The House met according to Adjournment.

On Motion Ordered the Bill to empower the Justices of Currituck County to build a Prison, Pillory & Stocks in the said County &c. be read a second time, Read the same a second time amended pass'd and ordered to be sent to the Council.

Sent the same by M^r Bradford & M^r Person.

On Motion Ordered the Bill for regulating the Inspection of Tobacco and preventing Frauds in His Majesty's Customs be read a second time. Read the same a second time amended, pass'd & ordered to be sent to the Council,

Sent by M^r Haywood & M^r Branch.

Then the House adjourned till 10 o'clock tomorrow morning

Saturday the 19th December 1767.

Then the House met according to Adjournment.

M^r Samuel Spencer one of the Members for Anson County appeared & took his seat in the House.

On Motion Ordered M^r Benton, M^r Dawson and M^r Campbell prepare and bring in a Bill to amend & continue an Act entitled an

Act for rendering more effectual the Laws making Land and other real Estate lyable to the payment of debts.

On Motion Ordered the Bill for erecting in the Town of Salisbury a Gaol, Pillory and Stocks for the district of Salisbury be read a second time. Read the same a second time, amended, pass'd and ordered to be sent to the Council.

M^r Barrow from the Committee appointed to prepare and bring in a Bill for dividing this Province into several districts and for establishing a superior Court of Justice in each of the said Districts and regulating the Proceedings therein, reported that the Committee had prepared the same, which he read in his place and delivered in at the Table where the same was again read by the Clerk pass'd & ordered to be sent to the Council.

M^r Harnett moved for leave to present a Bill to amend an Act entitled an Act for regulating the Town of Wilmington.

Ordered he have leave accordingly.

M^r Harnett presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk pass'd and Ordered to be sent to the Council.

M^r Caswell pursuant to Order presented a Bill directing the appointing Jurymen in all causes criminal and civil which he read in his place and delivered in at the Table where the same was again read by the Clerk pass'd and ordered to be sent to the Council.

Sent the above four Bills by M^r Haywood and M^r Branch.

M^r Caswell moved for leave to present a Bill for destroying Crows & Squirrels in the several Counties therein mentioned —

Ordered he have leave accordingly.

M^r Caswell presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk, pass'd & ordered to be sent to the Council.

Sent by M^r Thomas Howe & M^r Jacob Blount.

On motion resolved that a Capt. Commandant and ten men be employed to garrison Fort Johnston & that the said Captain be allowed six shillings and eight pence per diem and each man one shilling and four pence per diem & eight pence per diem for subsistence for one year and from thence to the end of the next Session of Assembly.

Then the House adjourned till 10 o'clock Monday morning.

Monday the 21st December 1767.

The House met according to adjournment.

M^r Edmund Smithwick, M^r Jasper Charleton, M^r Joseph Jones and M^r John Sawyer appeared.

Two of the members of His Majesty's Council came to the House and M^r Walter Gibson one of the representatives for Cumberland County appeared, took the Oaths by Law appointed for his Qualification, subscribed the Test and took his seat in the House.

M^r William Cole one of the members for Carteret County appeared & took his seat in the House.

Received from the Council the Bill for dividing this Province into several Districts &c. Endorsed 21st Dec^r 1767. In the Upper House Read the first time and passed.

And the Bill for building a Public Gaol &c. for the District of Newbern &c. — Endorsed 18th Dec^r 1767. In the Upper House Read the second time amended and pass'd.

Received a written message together with the Papers therein mentioned by M^r Edwards from his Excell^y the Governor &c. viz^t:

M^r SPEAKER & GENT^l OF THE ASSEMBLY,

I herewith send you for your information the plan and elevation of the House & Offices to be constructed for the residence of the Governor for the time being together with an Estimate of the whole expense of building and fully compleating the same. I am to acquaint you that the sum granted and ordered to be paid to me by the Treasurers of the last session of Assembly for carrying on the said building has not been satisfied; my account current with the Treasurers (a statement of which I now send you) will shew the remaining sum due to me for the said service, I therefore request that you will not only make a provision for the immediate payment thereof, but also grant what further aid may be found necessary, as the engagements I have already entered into on account of the said Building fully amount to the whole sum granted for that purpose.

W^m TRYON.

Resolved the said message and papers lye for consideration.

M^r Elmsley moved for leave to bring in a Bill for vesting certain lots in the town of New Bern in the Governor for the time being and his Successors.

Ordered he have leave accordingly.

On motion Ordered M^r Samuel Spencer be added to the Committee of claims.

On motion Ordered the Bill for dividing Dobbs County and other purposes be read the second time, Read the same a second time amended, pass'd and ordered to be sent to the Council.

Sent by M^r Jos. Jones and M^r Cole.

Then the House adjourned till 4 o'clock afternoon.

P. M. The House met according to adjournment.

Received from the Council the Bill for regulating the inspection of Tobacco &c. Endorsed 21st Dec^r 1767. In the Upper House. Read the second time & pass'd with amendments.

The Bill for establishing a Ferry at M^r John Edmund's landing on Roanoke &c

And the Bill for destroying Crows & Squirrels &c. Endorsed 21st Dec^r 1767. In the Upper House. Read the first time and passed.

Then the House adjourned till tomorrow morning 9 o'clock.

Tuesday the 22^d of December 1767.

The House met according to Adjournment

On motion Ordered the Bill for dividing this Province into several districts and for establishing a superior Court of Justice in each of said Districts &c. be read the second time, read the same a second time amended pass'd and Ordered to be sent to the Council

Sent by M^r Waddell and M^r Willie Jones.

Then the House adjourned till tomorrow morning 10 o'clock.

Wednesday the 23^d of December 1767.

The House met according to Adjournment.

M^r Haywood moved for leave to present a Bill for enlarging the time for saving lots in the town of Tarborough.

Ordered he have leave accordingly.

M^r Haywood presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk pass'd & ordered to be sent to the Council.

On motion, Ordered the Bill for building a Gaol and Gaoler's House in New-Bern &c. be read the third time, read the same a third time amended pass'd & ordered to be sent to the Council,

Sent the above two Bills by M^r Haywood & M^r Sawyer.

Mr Needham Bryan moved for leave to absent [himself] from the service of the House.

Ordered he have leave accordingly.

Resolved the following message be sent to the Council viz^t:

GENT^{mn} OF HIS MAJESTY'S HON^{ble} COUNCIL

We herewith send you a resolve of this House relative to the appointment of a Capt. Commandant and ten men to garrison Fort Johnston & desire your Honor's concurrence.

JOHN HARVEY, Speaker.

By Order

W^m HERRITAGE Clk.

23^d Dec^r 1767.

On motion Ordered the Bill for destroying Crows and Squirrels &c. be read a second time—read the same a second time amended, pass'd & ordered to be sent to the Council.

Sent by M^r Campbell & M^r Phyfer.

On motion Ordered the Bill for establishing a Ferry at M^r John Edmunds landing on Roanoak &c. be read the second time—read the same a second time.

Then the motion was made and the question put that the said Bill pass and carried in the negative.

Two Certificates from the County Court of Granville were produced therein recommending George Miller to be exempt from paying Public Taxes and doing Public Duties; and Daniel Macfarlin to be exempt from paying public Taxes—Granted.

On motion Ordered the Bill for regulating the Inspection of Tobacco and preventing Frauds in His Majesty's Customs be read the third time. Read the same a third time amended passed and ordered to be sent to the Council.

Sent by M^r Ashe & M^r Harnett.

Received from the Council the message of this day relative to the appointing a Capt. Commandant &c. to garrison Fort Johnston. Endorsed In the Upper House 23^d Dec^r 1767, Concurr'd with per Ja^s Hasell P. C.

And also the Bill for dividing this Province into six several Districts &c. Endorsed in the Upper House Dec^r 23^d 1767, read the second time amended & passed.

Several Certificates from the County Court of Craven were produced to this House therein recommending Josiah Wood, William

Knox, Matthew Whilks, John Moore & Nicholas Lawley to be exempt from paying Public Taxes & doing Public Duties.—Granted.

Then the House adjourned till 4 o'clock [this] Afternoon.

P. M. The House met according to Adjournment.

M^r Dawson from the Committee appointed to prepare and bring in a Bill to amend and continue the several Acts for establishing inferior Courts of Pleas & Quarter Sessions in the several Counties in this Province—reported the Committee have prepared the said Bill which he presented, read the same in his place and delivered it in at the Table where the same was again read by the Clerk passed and ordered to be sent to the Council.

Sent by M^r Person & M^r Spencer.

Received from the Council the Bill for annexing part of Northampton County to the County of Bute.

The Bill to amend an Act intituled an Act for the regulation of the Town of Wilmington. Endorsed 22^d Dec^r 1767, In the Upper House read the first time and pass'd.

The Bill directing the appointing of Jurymen in all causes Criminal and Civil. Endorsed 21st Dec^r 1767, In the Upper House read the first time and pass'd.

Bill to empower the Justices of Currituck County to build a Prison, Pillory & Stocks &c. Endorsed 22^d Dec^r 1767, In the Upper House read the second time and pass'd.

On Motion Ordered the Bill for annexing part of Northampton County to the County of Bute, be read the second time, Read the same a second time amended, pass'd & ordered to be sent to the Council.

M^r Elmsley pursuant to Order presented a Bill for an additional Act to an Act for erecting a convenient building within the town of New Bern for the residence of the Gov^r or Commander in Chief for the time being, which he read in his place and delivered in at the Table where the same was again read by the Clerk pass'd and ordered to be sent to the Council.

Sent the above two Bills by M^r Person & M^r Spencer.

M^r Montford moved for leave to present a Bill for establishing a Public Ware House in the Town of Halifax

Ordered he have leave accordingly.

M^r Montford presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was

again read by the Clerk pass'd and Ordered to be sent to the Council.

Then the House adjourned till 10 o'clock tomorrow morning.

Thursday the 24th December 1767.

The House met according to Adjournment.

Received from the Council the Bill to amend and continue the several Acts for establishing Inferior Courts of Pleas and Quarter Sessions &c — And the Bill for an additional Bill to an Act for erecting a convenient building within the Town of New Bern for the residence of the Governor &c. Endorsed 23^d Dec^r 1767. In the Upper House read the first time and pass'd.

On Motion Ordered the Bill to amend an Act intituled an Act for the regulation of the Town of Wilmington be read the second time — Read the same a second time amended pass'd & ordered to be sent to the Council.

Sent by M^r Person & M^r Ward.

Received from the Council the Bill for annexing part of Northampton County to the County of Bute — And the Bill for destroying Crows & Squirrells &c. Endorsed 24th Dec^r 1767, In the Upper House read the second time & pass'd.

The Bill for enlarging the time for saving Lots in the Town of Tarborough. And also the Bill for establishing a Public Warehouse in the Town of Halifax for the inspection of Hemp. Endorsed 24th Dec^r 1767, In the Upper House read the first time and pass'd.

On Motion Ordered the Bill to amend and continue the several Acts for establishing Inferior Courts of Pleas and Quarter Sessions &c. be read — Read the same Then On Motion resolved the said Bill be committed to M^r Caswell, M^r Montford and M^r Harnett & that they report such amendments as they shall think necessary to the said Bill —

On Motion Ordered the Bill for annexing part of Northampton County to the County of Bute be read the third time. Read the same a third time pass'd & ordered to be sent to the Council.

Sent by M^r Person & M^r Ward.

M^r Walsh presented the Petition of several of the Inhabitants of Cumberland County. Praying the Public Buildings for the said County may be erected at Cross Creek, which was read and resolved that the said Petition lye on the Table.

Pursuant to an Order of the last Session of Assembly appointing M^r Cullen Pollock, M^r Edward Vail, M^r James Blount, M^r Mathias Brickell, M^r Jacob Blount, M^r Benj: Wynns and M^r Jasper Charleton or the majority of them to view a certain piece of land in Bertie County belonging to M^r William Gray and also a piece of land lying on Cashy in Bertie County whereon the Court House now stands and to report which place of the two is most convenient and best to erect a Town at.

In obedience to which M^r Cullen Pollock, M^r Jasper Charleton, M^r Benj: Wynns, and M^r Jacob Blount reported they had viewed the said two several Places and are of opinion that the land of William Gray is the most commodious, fit and convenient for a Township, On which M^r Jacob Blount moved for leave to bring in a Bill pursuant to the report of the said M^r Pollock, M^r Jasper Charleton, M^r Benj: Wynns & M^r Jacob Blount.

Ordered he have leave accordingly.

M^r Jacob Blount, M^r John Simpson & M^r John Spier moved for leave to absent [themselves] from the service of the House till Monday next — And M^r William Haywood, M^r Benj: Wynns & M^r Benj: Person moved for leave to absent [themselves] from the service of the House till the end of this Session.

Ordered they have leave accordingly.

Then the House adjourned till tomorrow morning 10 o'clock.

Fryday the 25th December 1767.

The House met according to Adjournment.

Then the House adjourned till tomorrow morning 10 o'clock.

Saturday the 26th December 1767.

The House met according to Adjournment.

Then the House adjourned till Monday morning 10 o'clock.

Monday the 28th December 1767.

The House met according to Adjournment.

M^r Hewes moved for leave to present a Bill for establishing a School House in the Town of Edenton.

Ordered he have leave accordingly.

M^r Hewes presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk, pass'd & ordered to be sent to the Council.

M^r Knox moved for leave to present a Bill to continue an Act intituled an Act for enlarging the time allowed for saving lots in the Town of Hertford on the west side of Perquimans river to Newbys point on the east side of said river.

Ordered he have leave accordingly.

M^r Knox presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk, pass'd and Ordered to be sent to the Council.

On motion Ordered the Bill for enlarging the time for saving lots in the Town of Tarborough and appointing Trustees for the said Town be read a second time — Read the same a second time, pass'd and Ordered to be sent to the Council.

Sent the above three Bills by M^r Knox & M^r Cole.

On motion Ordered the Bill for erecting a Warehouse in the Town of Halifax for the inspection of Hemp be read a second time — Read the same a second time, amended, pass'd and Ordered to be sent to the Council.

Sent by M^r Jacob Blount and M^r Thomas Howe.

Received from the Council the Bill for erecting in the Town of Salisbury a Public Gaol, Pillory and Stocks for the district of Salisbury &c. Endorsed 28th Dec^r 1767, In the Upper House. Read the second time & pass'd with amendm^{ts}.

And the Bill for establishing a school House in the Town of Edenton. Endorsed 28th Dec^r 1767, In the Upper House Read the first time and passed.

On motion Ordered the Bill for dividing this Province into six several Districts and for establishing a Superior Court of Justice in each of the said Districts be read — Read the same.

Resolved the said Bill be committed to M^r Fanning, M^r Elmsley and M^r Johnston to draw up the amendm^{ts} necessary to the said Bill and that they report the same to the House for approbation.

Received from the Council the Bill enlarging the time for saving lotts in the Town of Tarborough. Endorsed 28th Dec^r 1767, In the Upper House read the second time and pass'd.

And the Bill to continue an Act entitled an Act for enlarging the time allowed for saving lotts in the Town of Hertford. Endorsed 28th Dec^r 1767, In the Upper House read the first time and pass'd.

Then the House adjourned till 10 o'clock tomorrow morning.

Tuesday 29th of December 1767.

The House met according to Adjournment.

M^r Campbell from the Committee appointed to prepare and bring in a Bill to amend and continue an Act intituled an Act for rendering more effectual the several Laws making lands and other real Estate lyable to the payment of debts, reported the Committee have prepared the same which he read in his place and delivered in at the Table where the same was again read by the Clerk pass'd & ordered to be sent to the Council—

On Motion Ordered the Bill to continue an Act intituled an Act for enlarging the time allowed for saving lotts in the Town of Hertford &c. be read a second time, Read the same a second time amended, pass'd and ordered to be sent to the Council.

On Motion Ordered the Bill to impower the Justices of Currituck County to build a prison &c. be read a third time, Read the same a third time pass'd and ordered to be sent to the Council.

Sent the above three Bills by M^r Harris and M^r Campbell.

M^r Hewes moved for leave to present a Bill to amend an Act intituled an Act for facilitating the navigation of Port Roanoak, Port Bath & Port Beaufort.

Ordered he have leave accordingly.

M^r Hewes presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk, pass'd & ordered to be sent to the Council.

On Motion Ordered the Bill for establishing a School House in the Town of Edenton be read the second time—Read the same a second time, amended, pass'd and ordered to be sent to the Council.

On Motion Ordered the Bill for erecting a Gaol &c. in the Town of Salisbury for the District of Salisbury &c. be read the third time—Read the same a third time, amended, passed and ordered to be sent to the Council.

Sent the above three Bills by M^r Jos. Jones and M^r B. Blount.

M^r Thomas Howe moved for leave to present a Bill for printing and publishing the several Acts of Assembly of this Province.

Ordered he have leave accordingly.

M^r Howe presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk, pass'd & ordered to be sent to the Council.

M^r Fanning from the Committee appointed to draw up the necessary amendments to the Bill for dividing this Province into six

several Districts &c—reported the Committee have drawn up several amendments to the said Bill which he read in his place—resolved the same be received and annexed to the said Bill—The same are annexed accordingly. Then On Motion Ordered the said Bill be read the third time—Read the same a third time amended, passed and ordered to be sent to the Council.

Sent the above two Bills by M^r Jacob Blount and M^r Thomas Howe.

Resolved the resolve of the 19th instant relative to the appointment of a Capt: Commandant and ten men to Garrison Fort Johnston be sent to His Excellency the Governor for his assent; and also the following message to wit—

TO HIS EXCELLENCY WILLIAM TRYON, ESQ^{re}, CAPTAIN GENERAL GOVERNOR &C. IN AND OVER THE SAID PROVINCE

SIR,

This House herewith send your Excellency a resolve thereof, of the 19th Instant relative to the appointment of a Capt. Commandant and ten men to Garrison Fort Johnston (to which His Majesty's Hon^{ble} Council have concurred) and desire your Excellency will be pleased to assent thereto—

29th Dec^r 1767.

JOHN HARVEY, Speaker.

Sent by Col. Robt. Howe

Received from the Council the following Bills—viz^t.

The Bill for establishing a School House in the Town of Edenton.

The Bill to continue an Act entitled an Act for enlarging the time allowed for saving Lotts in the Town of Hertford. Endorsed 29th Dec^r 1767, In the Upper House read the second time and pass'd with amendments.

And the Bill to amend an Act entitled an Act for facilitating the navigation of Port Bath Port Roanoke and Port Beaufort. Endorsed 29th Dec^r 1767, In the Upper House read the first time and pass'd.

Then the House adjourned till 10 o'clock tomorrow morning.

Wednesday the 30th December 1767.

The House met according to Adjournment.

M^r Thomas Respass one of the Members for Beaufort County appeared.

On motion Ordered the Bill to continue an Act intituled An Act for enlarging the time for saving Lotts in the Town of Hertford &c. be read a third time. Read the same a third time pass'd and ordered to be sent to the Council.

The Bill for enlarging the time allowed for saving Lotts in the Town of Tarborough be read the third time. Read the same a third time, pass'd and ordered to be sent to the Council.

The Bill for destroying Crows and Squirrels in the several Counties therein mentioned — be read the third time. Read the same a third time, amended, pass'd and ordered to be sent to the Council.

Sent the above three Bills by M^r Knox & M^r Benj: Harvey.

Agreed to the resolve of this House last Session of the 28th of Nov^r 1766. the House took into consideration the sum necessary to allow M^r Samuel Wiley for surveying the Catawba Lands &c. And resolved the said M^r Wiley be allowed for his service aforementioned the sum of fifty pounds Procl^a Money and paid him by the Treasurers of this Province out of the Contingent Fund.

M^r Polk moved for leave to present a Bill for dividing the County of Mecklenburgh and other purposes.

Ordered he have leave accordingly.

M^r Polk presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk pass'd & ordered to be sent to the Council.

On motion Ordered the Bill for an additional Act to an Act intituled an Act for erecting a convenient building within the Town of New-Bern for the residence of the Governor or Commander in chief for the time being — be read a second time. Read the same a second time amended, passed & ordered to be sent to the Council.

Sent the above two Bills by M^r Willie Jones & M^r Hewes.

Received from the Council the Bill to appoint a Public Treasurer for the Northern District & other purposes Endorsed 30th Dec^r 1767 In the Upper House read the third time & pass'd with amendments.

And the Bill to amend and continue an Act intituled An Act for rendering more effectual the several laws making Lands and other real estate lyable to the payment of debts. Endorsed 30th Dec^r 1767. In the Upper House read the first time & pass'd.

On motion Ordered the Bill to amend and continue the several Acts for establishing Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province be read a second time. Read

the same a second time amended, pass'd & ordered to be sent to the Council,

Mr Harnett moved for leave to present a Bill for the further amending an Act intituled an Act to prevent the exportation of unmerchable commodities.

Ordered he have leave accordingly.

Mr Harnett presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk, passed and ordered to be sent to the Council.

Mr Walsh moved for leave to present a Bill to amend an Act intituled an Act for establishing a Town on the Lands of John and William Russell minors, sons of John Russell deceased, on the West side of the North West branch of Cape Fear river near the mouth of Cross Creek, by the name of Campbelton, and other purposes.

Ordered he have leave accordingly.

Mr Walsh presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk, passed and ordered to be sent to the Council.

On motion Ordered the Bill for establishing a School House in the Town of Edenton, be read a third time. Read the same a third time amended pass'd and ordered to be sent to the Council.

On motion Ordered the Bill to amend an Act intituled an Act for facilitating the navigation of Port Roanoke, Port Bath and Port Beaufort be read the second time. Read the same a second time, amended pass'd & ordered to be sent to the Council.

Mr Knox moved for leave to present a Bill for rating Gold and Silver Coin and making it a Tender in all payments.

Ordered he have leave accordingly.

Mr Knox presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk, pass'd and ordered to be sent to the Council.

Sent the above six Bills by Mr Hardy & Mr Blinn.

Mr Dawson and Mr Bradford moved for leave to absent [themselves] from the service of the House till the end of the Session.

Ordered they have leave accordingly.

Then the House adjourned till 10 o'clock tomorrow morning.

Thursday the 31st December 1767.

The House met according to Adjournment.

M^r Hardy moved for leave to present a Bill for establishing a Vestry for the Parish of S^t Stephen in Johnston County.

Ordered he have leave accordingly.

M^r Hardy presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk, pass'd & ordered to be sent to the Council.

M^r Barrow moved for leave to present a Bill concerning Free Negroes.

Ordered he have leave accordingly.

M^r Barrow presented the above mentioned Bill which he read in his place & delivered in at the Table where the same was again read by the Clerk, pass'd & ordered to be sent to the Council.

M^r Simpson presented the petition of the Inhabitants of Pitt County, setting forth &c., Praying a Town may be erected on Tyson's Plantation &c.

Ordered the said Petition lye on the Table for consideration.

M^r Fanning moved for leave to present a Bill for regulating the method to be observed in taking up of stray horses.

Ordered he have leave accordingly.

M^r Fanning presented the above mentioned Bill which he read in his place & delivered in at the Table where the same was again read by the Clerk pass'd and ordered to be sent to the Council.

Sent by M^r Hardy & M^r Respass.

M^r Elmsley moved for leave to present a Bill for vesting certain Lotts in the Town of New Bern in His Excell^y the Governor and his Successors.

Ordered he have leave accordingly.

M^r Elmsley presented the above mentioned Bill, which he read in his place and delivered in at the Table where the same was again read by the Clerk pass'd & ordered to be sent to the Council.

Sent by M^r Hardy & M^r Respass.

Received from the Council the following Bills viz^t: The Bill for erecting in the Town of Salisbury a Public Gaol, Pillory and Stocks for the District of Salisbury in this Province. Endorsed 31st Dec^r 1767. In the Upper House read the third time and passed. Ordered to be engrossed.

The Bill for an additional Act to an Act for erecting a convenient building within the Town of New Berne for the residence of the Governor or Commander in Chief for the time being. Endorsed

31st Dec^r 1767. In the Upper House read the second time and pass'd.

The Bill for rating Gold and Silver Coin and making it a Tendér in all payments. Endorsed 31st Dec^r 1767, In the Upper House read the first time & pass'd.

And also the following message viz^t:

M^r SPEAKER AND GENT^m OF THE ASSEMBLY,

On reading a third time the Bill for building a public Gaol and Gaolers House for the District of New-Bern in the Town of New-Bern we would propose that Samuel Cornell and John Hawks Esq^{rs} be inserted in the said Bill as Trustees in conjunction with the three gentlemen already mentioned to which if you agree please to send some of your Members to see the same inserted.

In the Upper House.

JOHN BURGWIN Clk.

31st Dec^r 1767.

Ordered the following message be sent to the Council viz^t:

GENT^m OF HIS MAJESTY'S HON^{ble} COUNCIL.

In answer to your message of this day wherein you propose to insert Samuel Cornell & John Hawks Esq^{rs} Trustees in conjunction with the three Gentlemen named in the Bill for building a Public Gaol & Gaoler's House in the Town of New-Bern, We agree thereto and send M^r Jacob Blount and M^r Richard Caswell two of the Members of this House to see the same inserted.

JOHN HARVEY, Speaker.

By order

W^m HERITAGE Clk.

31st Dec^r 1767.

Received from the Council the Bill for establishing Public Warehouses in the Towns of Halifax & Campbelton for the inspection of Hemp.

The Bill to amend an Act entitled an Act for facilitating the navigation of Port Roanoke, Port Bath and Port Beaufort. Endorsed 31st Dec^r 1767, In the Upper House read the second time amended and pass'd.

The Bill for building a Public Gaol and Gaoler's House for the District of New-Bern in the Town of New-Bern. Endorsed 31st Dec^r 1767, In the Upper House read the third time amended and pass'd. Ordered to be engross'd.

The Bill to impower the Justices of Currituck County to build a Prison, Pillory and Stocks &c. Endorsed 31st Dec^r 1767, In the Upper House read the third time and passed. Ordered to be engrossed.

And the Bill for the further amending an Act entitled an Act to prevent the exportation of unmerchutable Commodities. Endorsed 31st Dec^r 1767, In the Upper House read the first time and pass'd.

And also, the Bill for vesting certain Lots in the Town of New-Bern in His Excellency the Governor & his Successors. Endorsed 31st Dec^r 1767, In the Upper House read the first time and pass'd.

On motion Ordered the Bill directing the method of appointing Jurymen in all Causes criminal and Civil be read the second time.

Read the same a second time amended pass'd & ordered to be sent to the Council. Sent by M^r Kenan and M^r Walsh.

Received from the Council the Bill concerning free Negroes and the Bill for establishing a Vestry for the Parish of S^t Stephen in Johnston County. Endorsed 31st Dec^r 1767, In the Upper House read the first time and pass'd.

M^r Sawyer moved for leave to absent [himself] from the service of the House till the end of this Session, and Mr Knox till Wednesday next.

Ordered they have leave accordingly.

On motion Ordered the Bill for appointing a Public Treasurer for the Northern District of this Province be read the third time. Read the same a third time amended passed and ordered to be sent to the Council. Sent by Mr Kenan and Mr Walsh

On motion, Ordered the Bill for the further amending an Act entitled An Act to prevent the exportation of unmerchutable Commodities be read a second time. Read the same a second time, amended passed and ordered to be sent to the Council. Sent by Mr Kenan and Mr Walsh.

Then the House adjourned till 10 o'clock tomorrow morning [1st January, 1768.]

[For subsequent proceedings of the Assembly see Records of 1768.]

1768.

LEGISLATIVE JOURNALS. — CONTINUED.

In the Upper House.Friday Morning 1st Jan'y 1768. .

The House met according to adjournment.

Present as before.

Received from the Assembly by Mr Kenan and Mr Walsh the following Bills Viz^t.

A Bill directing the appointing Jurymen in all causes criminal and civil, On motion read the second time amended and passed.

A Bill for the further amending an Act Intitled an Act to prevent the exportation of unmerchable commodities, On motion the said Bill was read the second time and rejected

Received from the Assembly by Mr Hardy and Mr Blount the following Bills Viz^t

A Bill for establishing a Town on the land of William Gray on Cashey River in Bertie County,

A Bill for establishing the Vestry elected for the Parish of St Stephen in Johnston County

Received from the Assembly the following Bills Viz^t

A Bill to appoint a public Treasurer of the Northern District and other purposes

An additional Bill to an Act for erecting a convenient building within the Town of New Bern for the residence of the Governor or Commander in Chief for the time being

A Bill for establishing public ware houses in the Towns of Halifax and Campbelton and for the inspection of hemp and flax.

A Bill to amend and continue an Act Intitled an Act for rendering more effectual the several Laws making lands and other real estates liable for the payment of debts.

A Bill for vesting certain lots in the Town of New Bern in His Excellency the Governor and his successors.

A Bill for appointing Sheriffs and directing their duty in office

Then the House adjourned till 10 o'clock tomorrow morning.

Saturday Morning 2^d Jan'y 1768

The House met according to adjournment.

Present as before

Received from the Assembly the Bills following Viz^t.

A Bill for appointing a vestry in the Parish of St Thomas in the said County of Beaufort. On motion read the first time and passed.

A Bill for laying out a public road from the frontiers of this Province through the Counties of Mecklenburgh, Rowan, Anson and Bladen to Wilmington and Brunswick

A Bill to amend an Act Intituled an Act for facilitating the navigation of Port Bath, Port Roanoke and Port Beaufort,

Received from the Assembly by Mr Campbell and Mr Simpson the following Bills Viz^t

A Bill for defraying the Contingent charges of Government, On motion read the first time and passed.

A Bill for rating gold and silver coin and making it a tender in all payments

A Bill for appointing an Agent to solicit the affairs of this Province at the several Boards in England. On motion read the first time and passed.

On motion the Bill to amend an Act Intituled an Act for the regulation of the Town of Wilmington, was read the second time amended and passed, and

The Bill for appointing Sheriffs and directing their duty in Office read the first time and passed

The Bill to amend and continue the several Acts for establishing^d Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province was read the second time amended and passed,

Then the House adjourned till Monday Morning 10 o'clock

Monday Morning 4th Jan'y 1768

The House met according to adjournment

Present as before

On motion the additional Bill to an Act for erecting a convenient building within the Town of New Bern for the residence of the Governor or Commander in Chief for the time being — was ordered to be read, the said Bill was accordingly read the third time and passed, Ordered to be engrossed.

Received from the Assembly by Mr Jas. Moore and Mr Williams A Bill to amend an Act Intituled an Act to encourage persons

to settle in the Town of Brunswick on the South West side of Cape Fear River, On motion read the first time and passed

Received from the Assembly a Bill directing the appointing Jurymen in all causes criminal and civil.

On motion the Bill to appoint a public Treasurer of the Northern District and other purposes was read a third time and ordered that the following Message be sent to the Assembly Viz^t.

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading a third time the Bill to appoint a public Treasurer of the Northern district and other purposes, We observe that you have *deled* the clause empowering the Governor for the time being to appoint a public Treasurer in case of the death or removal of either of the Treasurers by Act appointed, which We propose to have inserted in the said Bill in the following words Viz^t. And be it further enacted by the authority aforesaid that in case of the death or departure out of this Province of the said Treasurer, or either of them thereby appointed, it shall and may be lawful for the Governor or commander in chief for the time being, with the advice of His Majestys Council, to appoint and constitute any other person or persons in his or their place or stead to execute the said Office until the next Session of Assembly, such person appointed giving bond and security as is hereinbefore directed — to which if your House agree please send some of your Members to see the said clause inserted in the said Bill.

4th Dec 1767. In the upper House.

By order

J. B. Clk.

On motion ordered that the following Bills be read, Viz^t

A Bill to amend an Act Intitled an Act for facilitating the navigation of Port Bath, Port Roanoke and Port Beaufort. Read the third time and passed.

Ordered to be engrossed.

A Bill for laying out a public road from the Frontiers of this Province through the Counties of Mecklenburgh, Rowan, Anson and Bladen to Wilmington and Brunswick, Read the first time and passed

A Bill for establishing a Town on the land of William Gray on Cashey River in Bertie County, Read the first time and passed.

A Bill to amend an Act Intitled an Act for establishing a Town on the lands of John and William Russell minors, sons of John Russell deceased &c. Read the first time and passed.

A Bill for establishing public warehouses in the Towns of Halifax and Campbelton and for the inspection of hemp and flax. Read the third time and passed. Ordered to be engrossed.

On motion the Bill for establishing a school house in the Town of Edenton was read a third time and Ordered that the following Message be sent to the Assembly

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading a third time the Bill for establishing a school house in the Town of Edenton, We observe that you have *deled* the following clause viz^t, "Provided also that no person shall be admitted to be master of the said school, but who is of the established Church of England and who at the recommendation of the Trustees or Directors or the majority of them shall be duly licensed by the Governor or commander in Chief for the time being." Which clause we propose *steting*. If you agree thereto please send some of your members to see the same done, otherwise we cannot agree to pass the Bill.

In the Upper House. 4th Jan^y 1768.

By order

J. B. Clk.

Received from the Assembly the following Bills by Mr Montford and Mr Shepard,

A Bill to continue the Acts therein mentioned, read the first time and passed.

A Bill to lay a Tax on the inhabitants of the several Counties within the District of Wilmington Superior Court to build a new gaol and gaoler's house, in the Town of Wilmington and other purposes, On motion read the first time and passed.

A Bill to amend the several Acts for regulating the Town of New Bern and for other purposes therein mentioned, On motion read the first time and passed,

A Bill to prevent desertion of seamen in his Majestys service, On motion read the first time and passed,

A Bill to repeal part of an Act Intitled an Act for encouraging the culture of hemp and flax and other purposes read the first time and passed.

On motion the following Bills were ordered to be read Viz^t

A Bill for establishing a vestry elected for the Parish of St. Stephen in Johnston County, read the second time and passed.

A Bill for dividing the County of Mecklenburgh and other purposes read the first time and passed,

Received from the Assembly by Mr Harris and Mr Jones the following Message Viz^t

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL

In answer to your Message of this day relative to the amendments you propose to the Bill to appoint a public Treasurer of the Northern District and other purposes, We must inform your Honours this House cannot agree thereto, and desire your Honours will be pleased to pass that Bill as sent you from this House on our third reading thereof.

JOHN HARVEY Speaker

By order

W^m HERRITAGE Clk.

4th Jan^y 1768

Then the House adjourned till 10 °Clock tomorrow morning.

Tuesday Morning 10 °Clock 5th Jan^y 1768

The House met according to adjournment

Present as before

Received from the Assembly by Mr Rutherford and Mr Bartram the following Bills, Viz^t

A Bill for establishing a Town on the Land of W^m Gray on Cashey River in Bertie County, On motion read the second time and passed.

A Bill for preventing the frequent abuses in taking up and secret-
ing of stray horses, in the Counties of -----, On motion read the
first time and passed.

A Bill concerning idle and dissolute persons, On motion read
the first time and passed.

A Bill for establishing the vestry elected for the parish of St Stephen
in Johnston County. On motion read the third time and passed.

Ordered to be engrossed.

A Bill for regulating ordinarys and restraint of tipling houses,
On motion read the first time and passed,

A Bill for granting to his Majesty a duty upon the tonage of ships
and other vessels coming into this Province for the purposes therein
mentioned, On motion read the first time and passed,

Received from the Assembly by Mr Rutherford and Mr Bartram the following Message Viz^t.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL.

In answer to your Message of this day relative to the Bill establishing a school house in the town of Edenton wherein you observe that this House have *deled* the clause wherein the qualification of a master to be appointed for that school on the recommendation therein mentioned, and propose this House should agree the said clause be *steted*, to which we cannot agree and hope your Honours will pass that Bill as sent from this House on our last reading the same.

JNO. HARVEY Speaker

By order W^m. HERITAGE Clk.
4th January 1768

Then the said Bill was put and rejected

Received from the Assembly by Mr Hardy and Mr Walsh the following Bills Viz^t

A Bill for vacating the Title of certain persons to three hundred Acres of land situate on the lower part of Cape Fear and adjoining Fort Johnston and for revesting the same in the Crown for His Majestys service and the benefit of said Fort and garrison. On motion read the first time and passed

A Bill to place the roads under the management of Commissioners in the several Counties therein mentioned. On motion read the first time and passed.

A Bill to repeal part of an Act for rendering more effectual the Laws making lands and other real estates liable to the payment of debts. On motion read the first time and passed.

A Bill for dividing the County of Mecklenburgh and other purposes read the second time and rejected,

A Bill for appointing an Inspector for the Great Island opposite Wilmington. On motion read the first time and passed.

A Bill for establishing a Town in Mecklenburgh County, On motion read the first time and passed.

A Bill for laying out a Public road from the Frontiers of this Province through the Counties of Mecklenburgh, Rowan, Anson, and Bladen to Wilmington and Brunswick. On motion read the second time and passed with amendments.

A Bill to amend an Act Intitled an Act for establishing a Town on the land of John and William Russell sons of John Russell deceased. On motion, read the second time amended and passed.

A Bill for laying a Tax on the inhabitants of St James Parish in New Hanover County to finish the Parish Church in the Town of Wilmington and for paying the Minister of the said Parish for the year 1766. Read the first time and passed.

Received from the Assembly by Mr Polk and Mr Spier the following Bills Viz^t

A Bill to amend an Act Intitled an Act for the regulation of the Town of Wilmington.

A Bill to amend an Act Intitled an Act to encourage persons to settle in the Town of Brunswick on the South West side of Cape Fear River. On motion read the second time and passed.

A Bill to repeal part of an Act Intitled an Act encouraging the culture of hemp and flax and other purposes, On motion read the second time and passed.

A Bill to continue the Acts therein mentioned, On motion read the second time amended and passed

On motion the Bill to amend an Act Intitled an Act for the regulation of the Town of Wilmington was read and the following Message sent to the Assembly Viz^t.

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading a third time the Bill for regulating the Town of Wilmington, We propose that two of the wells be sunk in the Town in the Bill mentioned be done within twelve months and the pumps therein promptly fixed, And that the Act shall continue in force for and during twelve months from and after the passing thereof and no longer If you agree to these amendments please send some of your Members, to see them inserted in the said Bill otherwise we cannot agree to pass the Bill.

By order

JNO. BURGWIN Clk.

Jany 5th 1768

On motion the Bill for vesting certain lots in the Town of New Bern in His Excellency the Governor and His successors read the second time amended and passed.

On motion the Bill to appoint a Public Treasurer of the Northern District and other purposes was again read the third time and passed, Ordered to be engrossed,

On motion the following Message was sent to the Assembly,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

On reading a third time the Bill for destroying crows and squirrels in the several Counties therein mentioned, We propose that the following Proviso be inserted in the Bill Viz^t.

Provided always that no taxables constant residents in any of the Towns in the Counties in the Bill mentioned shall be included in this Act, If you agree thereto please send some of your Members to see the same inserted in the Bill

5th Jan'y 1768.

By order

J. B. Clk.

On motion the Bill for rating gold and silver coin and making it a tender in all payments, read the second time and passed,

Then the House adjourned till 10 o'clock tomorrow morning.

Wednesday Morning 6th January 1768.

The House met according to adjournment

Present as before

Received from the Assembly the following Message Viz^t

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL.

In answer to your message of this day regarding the provisional clause you propose to the Bill for destroying crows and squirrels this House agree to the insertion thereof in the said Bill and send Mr Blount and Mr Caswell to see the same inserted.

JNO. HARVEY Speaker

By order

W^m. HERITAGE.

5th Jan'y 1768.

Then the proviso above mentioned was inserted in the presence of the members sent for that purpose, and on motion was again read and passed the third time. Ordered to be engrossed.

Received from the Assembly a Bill to amend and continue the several Acts for establishing Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province.

Received from the Assembly the following message Viz^t.

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

In answer to your message of the 5th instant wherein you propose that two of the wells to be sunk in the Town of Wilmington be done within twelve months and the pumps therein properly fixed, and also that the said Bill shall continue in force for and during twelve months after the passing thereof and no longer, This House do agree to have the same inserted in that Bill and send herewith Mr Ashe and Mr Waddell, two of the members of this House to see the same done accordingly.

JNO. HARVEY Speaker

By order

W^m HERRITAGE Clk.

6th Jan^y 1768

Then the alteration in the said Bill was made in the presence of the members sent for that purpose and the Bill again read and passed the third time with amendments. Ordered to be engrossed

Received from the Assembly by Mr Ashe and Mr Waddell the following Bills Viz^t.

A Bill for vacating the title of certain persons to three hundred acres of land situate on the lower part of Cape Fear and adjoining Fort Johnston and for revesting the same in the Crown for His Majestys service and the benefit of said Fort and Garrison. Read the second time and passed

A Bill concerning idle and disolute persons.

A Bill for defraying the contingent charges of government, On motion read the second time and passed.

A Bill to repeal part of an Act Intitled an Act for encouraging the culture of hemp and other purposes,

A Bill for establishing a Town on the Lands of William Gray on Cashy River in Bertie County.

A Bill to continue the Acts therein mentioned, Read the third time and passed. Ordered to be engrossed.

A Bill for establishing a Town in Mecklenburgh County, Read the second time and passed,

A Bill to amend and continue an Act, Intitled an Act for rendering more effectual the Laws making lands and other real estate liable to the payment of Debts.

A Bill to amend an Act Intitled an Act to encourage persons to settle in the Town of Brunswick on the South West side of Cape Fear River

A Bill to amend an Act Intitled an Act for establishing a Town on the lands of John and William Russell minors sons of John Russell deceased on the West side of the North West branch of Cape Fear River near the mouth of Cross Creek by the name of Campbelton and other purposes.

Received from the Assembly by Mr Blount and Mr Branch the following Bills Viz^t

A Bill to amend the several Acts for regulating the Town of New Bern and for other purposes therein mentioned, On motion read the second time and passed,

A Bill for appointing an inspector for the great Island opposite Wilmington, On motion read the second time and passed.

A Bill for laying out a public road from the Frontiers of this Province through the Counties of Mecklenburgh, Rowan, Anson and Bladen to Wilmington and Brunswick.

A Bill for preventing the frequent abuses in taking up and secret-ing horses in the counties herein mentioned,

A Bill for vesting certain lots in the Town of New Bern in His Excellency the Governor and his successors

Then the House adjourned till 10 o'clock tomorrow morning.

Thursday Morning 7th Jan^y 1768.

The House met according to adjournment

Present as before.

Received from the Assembly by Mr Campbell and Mr Williams Viz^t.

A Bill for granting to His Majesty a duty upon the tonage of ships and other vessels coming into this Province for the purposes therein mentioned

A Bill for regulating ordinarys and restraint of Tipling houses

A Bill to place the roads under the management of Commissioners in the several counties therein mentioned

A Bill for appointing Sheriffs and directing their duty in office

On motion the Bill for dividing this Province into six several Districts and for establishing a Superior Court of Justice in each of the said Districts and regulating the proceedings therein, was read a third time and ordered that the following Message be sent to the Assembly Viz^t

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On reading a third time the Bill for dividing this Province into six several Districts and for establishing a Superior Court of Justice in each of the said Districts &c^a We propose the following amendments, Viz^t

In page 12, Sec 10, That the Tax on Actions in the Superior Court be 7.6 instead of 5,

In page 14 Sec 20, That twenty pounds be allowed the Att^y General instead of twelve pounds,

That the Chancery clause Sec. 43, page 27, be altogether expunged as foreign to the Bill.

And in order to make the times of holding the several Superior Courts more convenient, We propose the said Courts be held as follows Viz^t.

For the District of Salisbury on 5th day March & Sep.

Hillsborough 22nd March and September

Halifax 8th April and October

Edenton 25th April and October

New Bern 11th May and November

Wilmington 27th May and November

In page 34 Sec. 54, It is declared that persons of mixed blood to the 3^d generation exclusive are incapable in Law to be witness; We propose to *dele* the words *third* and *exclusive* and that it be made persons of mixed blood to the 4th generation

In page 39 and 40 Sec. 63 and 64 We propose that the Commissions of Oyer and Terminer be directed to the Chief Justice and his Associates, or either of them; and that the Chief Justice and his Associates or either of them on receiving such commissions order the Clerks to issue *Venire facias* accordingly.

We also propose that the annexed clause be inserted in the said Bill, And in order to make the continuance of this Act consonant with several other Bills now under consideration. We propose that it continue in force the time mentioned in the Bills and from the passing thereof to the end of the next Session of Assembly and no longer

If your house agree to these amendments please send some of your Members to see them inserted in the Bill

By Order

J. BURGWIN Clk.

7th Jany 1768.

And on motion the following Message was ordered to be sent to the Assembly Viz^t

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

On reading a third time the Bill to amend and continue the several Acts for establishing Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province.

We observe in a recital of the inconveniences arising by the ambiguity of the present fee Bill you have inserted for *remedy* whereof; the word *remedy*, We propose should be *deled* and the word *explanation* inserted in its stead.

We further propose that the days of holding the several Inferior Courts in the Counties following be allowed and stand as under Viz^t.

For Hyde County on the first Tuesday in April, July, October and Jany.

Beaufort County 2^d Tuesday April, July, October and Jany.

Tyrrel County 2^d Tuesday, Feby, May, August and December.

And we likewise propose that at the trial of any Clerk for misbehaviour in Office at any Inferior Court there shall be present in Court at least five Justices on the said trial.

If you agree to these amendments please send some of your Members to see them made in the said Bill

By order J. BURGWIN Clk.

7th Jany 1768.

Then the House adjourned till 10 o'Clock tomorrow morning.

Friday Morning 8th Jany 1768

The House met according to adjournment

Present as before.

On motion the following Bills were ordered to be read viz^t

A Bill for preventing the frequent abuses in taking up and secreting of stray horses in the Counties therein mentioned, Read the second time amended and passed,

A Bill to place the roads under the management of Courts in the several Counties therein mentioned, Read the second time and passed.

A Bill for laying out a public road from the Frontiers of this Province through the Counties of Mecklenburgh, Rowan, Anson

and Bladen to Wilmington and Brunswick, Read the third time and passed Ordered to be engrossed.

A Bill to repeal part of an Act Intituled an Act for encouraging the culture of hemp and flax and other purposes, Read the third time and rejected.

A Bill for establishing a Town on the Land of William Gray on Cashy River in Bertie County, Read the third time and passed Ordered to be engrossed.

A Bill for vesting certain lots in the Town of New Bern in his Excellency the Governor and his successors, Read the third time and ordered that the following Message be sent to the Assembly Viz^t,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading a third time the Bill for vesting certain lots in the Town of New Bern in His Excellency the Governor and his successors, We propose that, that part of the Bill from the word *therein*, in the first line in the sixth page to the word *And* in the seventeenth line in the same page be *deled*, and instead thereof the annexed clause be inserted

If your House agree to this amendment please send some of your Members to see the same inserted in the Bill.

A Bill for granting to His Majesty a duty upon the tonage of ships and other vessells coming into this Province for the purposes therein mentioned, Read the second time amended and passed.

Received from the Assembly the following Bills

A Bill for defraying the contingent charges of Government, on motion read the third time and passed. Ordered to be engrossed.

A Bill for appointing an inspector for the great Island (opposite Wilmington) in Brunswick County, Read the third time and passed, Ordered to be engrossed,

Received from the Assembly the following Message Viz^t

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL

In answer to your Message relating to the Bill for dividing this Province into six several Districts and for establishing a Superior Court of Justice in each of the said Districts and regulating the proceedings therein.

This House agree that the Chancery clause be expunged,

That the times of holding the Superior Courts be altered as by your Message proposed,

That the Section respecting Witnesses of mixed blood be also altered as by you proposed and that the commissions of Oyer and Terminer shall be directed to the Chief Justice and his Associates or either of them and that the Chief Justice and his associates or either of them on receiving such commissions order the Clerks to issue *Venire facias* accordingly

This House also agrees that the clause annexed to said Message be inserted in said Bill, and that the said Bill continue in force during the time mentioned in said Bill and from thence to the end of the next Session of Assembly and no longer,

But this House cannot agree that twenty pounds be allowed the Atty General but will agree that sixteen pounds be allowed instead of twelve pounds,

And this House cannot agree that the Tax in Sec. 10 of said Bill be 7.6 instead of 5 and hope you will pass the Bill without such amendments, which if you agree please to signify the same to this House, that some of the members may attend to see the other amendments made

JOHN HARVEY Speaker

By order W^m. HERRITAGE Clk
8th Jan^r 1768

On motion the following Bills were ordered to be read,

A Bill for appointing Sheriffs and directing their duty in Office, read the second time amended and passed.

A Bill to amend an Act Intituled an Act to encourage persons to settle in the Town of Brunswick &c^a, read the third time and passed. Ordered to be engrossed,

A Bill for regulating ordinarys and restraint of tipling Houses, read the second time and passed.

Received from the Assembly the following Message

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

In answer to your Message concerning the Bill to amend and continue the several Acts for establishing Inferior Courts of Pleas and Quarter Sessions in the several Inferior Courts in this Province,

This House agree that the several amendments you propose be inserted in said Bill and as by one of the amendments agreed to be inserted in the Bill for dividing this Province into six several

Districts for establishing a Superior Court of Justice in each of the said Districts &c^a makes it necessary to alter the days for holding several of the Inferior Courts, this House would therefore propose that the Inferior Court for the County of Mecklenburgh do hold on the 2^d Tuesday in Jan^y, April, July and October, Rowan 3^d Tuesday in Jan^y, April July and October, Orange 4th Tuesday in January, April July and October That Granville be held on the first, Bute the 2^d Halifax 3^d and Edgecomb the 4th Tuesdays in Feb^y, May, August and November, and Northampton the first Tuesday in March June and September and December, which if you agree to please to signify the same to this House that some of the members may attend to see the same inserted.

JOHN HARVEY Speaker

By order W^m. HERRITAGE Clk.
8th Jan^y 1768.

Then on motion the above message and that relative to the Superior Court Bill was taken under consideration and ordered that the following Message be sent to the Assembly,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

In answer to your Message of this day relative to the Superior and Inferior Court Bills, This House have agreed to your several proposals and desire you will please send some of your members to see the alterations inserted in the said Bill.

Received from the Assembly the following Message

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL.

Agreeable to your Message of this day relative to the Superior and Inferior Court Bills, This House have sent Mr Fanning and Mr Johnston two of the Members thereof to see the alterations by you agreed to inserted in the said Bills.

JOHN HARVEY Speaker.

By order W^m. HERITAGE, Clk.
8th Jan^y 1768.

Then the alterations agreed to were inserted in the said Bills in presence of the Members sent for that purpose.

On motion the Bill for dividing this Province into six several Districts and for establishing a Superior Court of Justice in each of the

said Districts and regulating the proceedings therein was again read the third time and passed with amendments.

Ordered to be engrossed.

And the Bill to amend and continue several Acts for establishing Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province was again read the third time and passed with amendments.

Ordered to be engrossed.

Then the House adjourned till 10 o'clock to morrow morning.

Saturday Morning 9th Jan^r 1768.

The House met according to adjournment

Present as before.

On motion the following Bills were ordered to be read Viz^t.

A Bill directing the appointing Jurymen in all causes criminal and civil read the third time and ordered that the following Message be sent to the Assembly Viz^t

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

On reading a third time the Bill directing the appointing Jurymen in all causes criminal and civil "We observe you have *deled* the following words in the last section of the said Bill Viz^t, "And from thence to the next Session of Assembly and no longer" which we propose should be *stetcd*, If you agree thereto please send some of your Members to see the same done to make it consonant with the other Bills passed this Session

In the Upper House By Order J. BURGWIN Clk.
9th Jan^r 1768.

Received from the Assembly the following Message Viz^t

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL.

This House having taken under consideration your Message of this day with the proposed amendment to the Bill for vesting certain lots in the Town of New Bern in His Excellency the Governor and his successors, cannot agree to the said amendment, as we think the Bill as it passed this House was consonant to the fixed principles of natural Justice it being the duty of Guardians by the the Law of this Province to take care that all monies belonging to orphans be put at interest and in case of neglect are chargeable

themselves for the same to their wards. We also judge it incumbent on such persons as are unknown and beyond seas If they expect any benefit or advantage from their property to make themselves acquainted with such public Acts of the Legislative body of this Province as may affect the same and to take by themselves their Agents Representatives or Attorney the necessary measures for effecting the same and as the titles is not to be vested in His Excellency the Governor until after the payment of the money by the public, when we conceive the public can by no principle either in Law or equity be chargeable with interest for the same, The proprietors of such lots having an immediate right to demand the consideration allowed and receive the benefit thereof by such application of it as they shall think proper. We are further of opinion that it is improper to embarrass the public Treasurers with the settling and adjusting private Accounts and are apprehensive it may be more convenient for the proprietors of such lots to receive their money of some person residing in the place where the whole of the property is. For these reasons which with us carry the appearance of propriety and conveniency as well as of equity and justice, We hope and flatter ourselves the Bill will pass with your Honors as it left this House

JOHN HARVEY Speaker.

By order W^m. HERITAGE Clk
8th Jan^y 1768

Then on motion the Bill above mentioned and the Message was taken under consideration and the said Bill again read and passed the third time. Ordered to be engrossed.

On motion the Bill to continue an Act intituled an Act for enlarging the time allowed for saving lots in the Town of Hertford and other purposes was read the third time and passed. Ordered to be engrossed.

Received from the Assembly by Mr Hardy and Mr Spears the following Bills Viz^t,

A Bill concerning idle and dissolute persons, read the third time and passed. Ordered to be engrossed

A Bill for establishing a Town in Mecklenburgh County read the third time and rejected.

Received from the Assembly by Mr Spencer and Mr James Moore the following Messages Viz^t

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

In answer to your Message of this day regarding the Bill directing the appointing Jurymen in all causes criminal and civil, We agree to what you therein propose and send Mr Spencer and Mr James Moore two of the Members of this House to see the alteration made.

JOHN HARVEY Speaker.

9th Jan^y 1768.

Then the said amendment was accordingly made in presence of the Members sent for that purpose and the Bill was again read and passed the third time with amendments. Ordered to be engrossed

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

The Committee appointed to settle the public Account has reported that the Treasurers of this Province have paid into the said Committee the sum of £7774.9.7 *pro* money on the sinking Fund which said sum by Law is to be burnt. This House have therefore appointed a Committee of the whole House in conjunction with such of your Honors as you shall appoint to see the said sum burnt at the House of Mr Peter Blinn in New Bern at 4 °Clock this afternoon.

JOHN HARVEY Speaker

By order W^m. HERITAGE Clk

9th Jan^y 1768.

On motion the following Message was ordered to be sent to the Assembly

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

In answer to your Message relative to the burning of the several sums paid into the Committee of Accounts, This House have appointed a Committee of the whole House to see the said sum burnt at the House of Mr Peter Blinn, at the time you mention.

By order J. BURGWIN Clk

7th Jan^y 1768.

Received from the Assembly by Mr Howe and Mr Walsh a Bill for appointing Sheriffs and directing their duty in Office, read the third time and ordered that the following message be sent to the Assembly

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading a third time the Bill for appointing Sheriffs and directing their duty in Office, We observe you have *deled* the penalty of £100 proc. money on any person refusing to Act as a Sheriff when thereto appointed and *steted* the penalty of ten pounds only, which we think too small a fine for the purpose intended, And therefore in order that persons of property may be induced to Act we would propose to insert fifty pounds.

We also propose to *stet* the clause inserted by this House on the second reading of the Bill relative to the claims of Sheriffs.

If you agree to these amendments please send some of your members to see them made in the Bill.

By order

J. BURGWIN Clk.

9th Jan^r 1768.

Received from the Assembly the Bill to amend the several Acts for regulating the Town of New Bern and for other purposes therein mentioned, Read the third time and passed. Ordered to be engrossed.

Received from the Assembly the following Message

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL

In answer to your Message of this day relative to the Bill for appointing Sheriffs and directing their duty in Office, this House cannot agree to any of the alterations you propose to the said Bill and hope you will pass that Bill as sent you from this House on our third reading of the same.

JNO. HARVEY Speaker

By order

W^m. HERRITAGE Clk.

9th Jan^r 1768.

Then the Bill was put the third time and passed. Ordered to be engrossed.

The House adjourned till Monday morning 10 °Clock.

Monday Morning 11th January 1768

The House met according to adjournment

Present as before.

Received from the Assembly by Mr Respass and Mr Blinn the following Bills Viz^t

A Bill concerning free negroes. On motion read the second time, amended and passed.

A Bill for preventing the frequent abuses in taking up and secreting of stray horses in the Counties therein mentioned.

A Bill for vacating the titles of certain persons to three hundred acres of Land situate on the lower part of the Cape Fear and adjoining Fort Johnston and for revesting the same in the Crown for His Majestys service and the benefit of said Fort and Garrison. On motion read third time and passed, Ordered to be engrossed.

A Bill for regulating ordinarys and restraint of tipling houses. On motion read the third time and passed. Ordered to be engrossed.

A Bill for rating gold and silver coin and making it a tender in all payments.

On motion the Bill for preventing the frequent abuses in taking up and secreting stray horses in the Counties therein mentioned was ordered to be read which was accordingly read and the following Message sent to the Assembly Viz^t

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On reading a third time the Bill for preventing the frequent abuses in taking up and secreting stray horses &c^a

We observe you have *deleted* all the amendments made in this House on the second reading which we by no means agree to; however that the Bill may be rendered serviceable to the Counties for which it is intended to pass, We propose to have that clause *stated* whereby the Rangers are directed to send a list of Strays entered with them to the clerk of the Inferior Court &c^a And that the County of Bladen be struck out of the Bill and the Act to continue in force for two years and no longer, to which if you agree please send some of your Members to see the alterations made, otherwise we cannot pass the Bill.

By order

J. B. Clk.

11th Jan^y 1768

Then the House adjourned till 10 o'clock, tomorrow morning

Tuesday Morning 12th Jan^y 1768

The House met according to adjournment

Present as before,

On motion the following Message was ordered, to be sent to the Assembly

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY

This House on examining the Reports of the Committee of Public Claims finds that your House have disallowed a claim of the Honble Lewis DeRosset for £16.13.4. On examining the grounds of that claim, We find it was for conveying by virtue of a writ of *habeas corpus* from the then Chief Justice two of the most notorious horse thieves and rogues under strong guard for fear of a rescue from Wilmington to New Bern and that it has never been paid by the public, We likewise find that this claim had formerly been laid before the Assembly, and that the reason of its not being then allowed was only owing to the doubts they were in whether the Chief Justice had a right to issue or the Sheriff to obey any precept beyond the bounds of his county, and as this doubt has since been removed by allowances having been made by your House to the Sheriffs for the same services the claim remains at present solely on the right the claimant has to be reimbursed for his great expense and trouble in performing such a public service and which the distance of time cannot in our opinion alter, We therefore hope your House will reconsider this matter and join us in opinion that as an Act of Common Justice and Equity the said claim be allowed and your disallowance thereof be erased out of the reports (a point we must insist on) to which if you agree be pleased to send some of your members to see the same done that we may give our concurrence to the Reports.

By order

J. BURGWIN Clk.

12th Jan^r 1768

On motion ordered that the following Message be sent to the Assembly,

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY

Mr Cornell having applied to this House for an allowance of forty pounds for the duties of twenty four Hhds of rum by him [shipped] to South Carolina as appears by certificate sworn to before Jas Davis Esq. by the Master of the Vessell who carried the same of its being landed then we hope you will take the same under your consideration and make a resolve that it be allowed him in the payment of future duties and this House will concur with you in the said Resolve

By order

J. BURGWIN Clk.

12th Jan^r 1768

Received from the Assembly by Mr Howe and Mr Jones the following Messages Viz^t

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House have received your Message of this day relative to a claim of the Honble Lewis DeRossèt Esq, disallowed by this House in the Report of the Committee of Claims,

The Reasons you have assigned which did not occur to us have convinced us of the equity of that claim We therefore send Mr Robt Howe and Mr Willie Jones two members of this House to see the disallowance thereof erased out of the Reports; at the same time let us observe as Messages between the different bodys of the Legislature are calculated in the last resort to settle any difference in opinion, politeness and delicaey of expression ought punctually to be preserved between them with which we could wish your Message had been altogether consistant

JOHN HARVEY, Speaker.

By Order

W^m. HERRITAGE Clk.

12th Jan^y 1768.

Then the words proposed were erased in presence of the Members sent for that purpose — and then the said Reports were concurred with

p. JAS. HASELL, P. C.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL

We have received your Message to this House of the 11th Instant and are really sorry that the Bill before your Honors for preventing the frequent abuses in taking up stray horses should be liable to so many objections We for the sake of faelilitating the passage of a Bill, which should it pass into a Law would be productive of the most salutary and wholesome consequences to such parts of this Province as it is designed to be extended, do assent to the *deleting* the name of Bladen County, but cannot agree to the proposed amendments, We think it unnecessary to enter minutely into the reasons that might be assigned for our disagreeing to them and hope it will be sufficient to observe that, whatever political changes there may be in the Government of this Province yet the casualties and evils that are intended to be guarded against by the Bill will ever occur in a greater or less degree, it seems therefore that if it is expedient that such a Law ever should exist that it

should be unlimited in its duration, yet to remove objections, We were willing to adopt the prevailing principles of policy in the present times and admit a temporary clause in the Bill, and that of as short a continuance as many other Laws of much greater consequence and in their nature liable to more frequent changes from an alteration of circumstances. Should the amendment for the rangers sending a copy to the Clerks quarterly be received the Bill would then in our opinion be subject to the following objections among many others, that a duty would be enjoined and a penalty inflicted for a neglect without any reward for the performance of that Duty, which duty would even be increasing with the continuance of that office, and further by that Bill the person receiving Stray [horses] from the person taking up the same, is under no necessity of informing the Ranger of the recovery of his Stray [horses] consequently after such recovery a service may be done and continued without any benefit or advantage to the owner of the Stray [horses] or profit to the Ranger.

Although in this Province we have not known the effects nor experienced the utility of such a Law yet from our knowledge of the beneficial consequences of a similar one in our neighbouring and Sister Colonies, it has long been the object of our wishes. If the Bill in its operation as a Law should be found defective it may be amended, if pernicious and injurious it may be repealed before the term of its continuance shall expire and as this will ever be in the power of the Legislature, We hope the Bill will pass with your Honours as it left this House with the alterations only of *deleting* the word *Bladen*.

12th Jan^y 1768

JOHN HARVEY Speaker

Then the House adjourned till 10 o'clock tomorrow morning

Wednesday Morning 13th Jan^y 1768

The House met according to adjournment.

Present as before.

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

This House taking into consideration your disallowance last Session of Assembly of one hundred pounds for the services of our Clerk during the same should be glad you would reconsider that matter in which case we hope you will think we must be the best

Judges of Services which pass immediately under our inspection — however to preserve that harmony which we wish always to exist between the two Houses, We hope you will allow him the sum of seventy pounds agreeable to our Message at the conclusion of the last Session,

Received from the Assembly by Mr Vail and Mr Spiers the following Message and Resolve, Viz^t,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House herewith send you the resolve of this day relative to the payment of the several sums therein mentioned amounting in the whole to the sum of £1215.10.21 out of the contingent tax as the same shall be paid into the Treasury

JOHN HARVEY, Speaker.

By order W^m. HERRITAGE Clk.

In the Assembly Tuesday the 12th Jan^r 1768,

Resolved, that the sum of £1215.10.21 be paid to the Commissioners and the several other persons intituled to receive the same for running the dividing Line between the Western Frontiers of this Province and the Cherokee hunting grounds; and that the sum of £157.18.10 be paid to His Excellency for the like sum disbursed by him for carrying on a post through this Province in 1765 and also the sum of fifteen pounds disbursed by His Excellency for the relief and assistance of several Scotch Families that were landed at Brunswick in November last to settle in Cumberland County in this Province out of the Contingent tax as the same shall be paid into the Treasury.

JOHN HARVEY Speaker.

Test W^m. HERRITAGE Clk.

14th January In the upper House concurred with.

JAS. HASELL, P. C.

By order J. B. Clk.

Received from the Assembly the following Messages &c^a

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House have taken into consideration your Message of this day relating to the increasing of the allowance made the Clerk of

your House for his services the last session and cannot agree to any additional allowance for the same,

JOHN HARVEY Speaker

By order W^m. HERRITAGE Clerk,
13th Jan^y 1768.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House considering your Message of this day relative to the duties paid by Mr Samuel Cornell for 24 Hhds Rum have Resolved that the said Samuel Cornell be allowed the sum of forty pounds being the same paid for the said duties in the payment by him of future Duties on wine, rum and other spirituous liquors and desire your Honours concurrence thereto

JOHN HARVEY Speaker

By order W^m. HERRITAGE Clk.
13th Jan^y 1768

14th Jan^y 1768, In the upper House concurred with

JAMES HASELL Pres^t

By order J. B. Clk.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL

We herewith send you the Resolves of this House relative to the appointment of a Committee to draw up a petition to His Majesty for leave to emit a currency and this House have appointed Mr Maurice Moore, Mr Corn^s Harnett and Mr Robt Howe a Committee thereof for the purpose aforesaid in conjunction with such of your Honors as you shall think proper to appoint

JOHN HARVEY Speaker

By order W^m. HERRITAGE Clk,
13th Jan^y 1768

This House taking into consideration the present distressed situation of this Colony for want of a currency to answer the purposes of paying their internal taxes and a medium in trade,

Resolve, that Mr Mau^r Moore, Mr Corn^s Harnett and Mr Robt Howe or a Majority of them, be a Committee of this House in conjunction with such of His Majestys Council as shall be by them appointed, to draw up a petition to his Majesty for leave to emit a Currency to the amount of £75,000 Stg to be equal in value to £100,000 proclamation money to be in limitation for sixteen years.

Resolved, that the Committee set forth in the petition to his Majesty as the sense of this House, that such currency shall not by any Bill or Act of Assembly be made or deemed a lawful tender for what now is or may become due or payable to the Crown or to Merchants in Great Britain, but that the same shall be made payable at the full sterling value,

Resolved, that the Committee do present such petition to His Excellency the Governor, and request that the same be forwarded in order to be laid before the Throne,

Resolved, that the Committee likewise request His Excellency, in case of obtaining leave for such emission in order to prevent counterfeits for the future, That he will be pleased to order proper paper copper plates presses and other materials necessary for stamping the same and draw on the public Treasurer for the expences thereof.

Received from the Assembly by Mr Harvey and Mr Branch the Reports of the Committee of Accounts which were read and concurred with and sent back to the Assembly,

Then the House adjourned till 10 o'clock tomorrow morning.

Thursday Morning 14th January 1768.

The House met according to adjournment,

Present as before.

On motion the Bill for preventing the frequent Abuses in taking up and secreting stray horses &c^a was taken under consideration and rejected.

On motion ordered that the following Messages be sent to the Assembly.

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

We are very sorry to find by your answer to our Message of yesterday that you have not agreed to our allowance of seventy pounds to our Clerk for his services last Session. We should be glad you would reconsider the Justice thereof and allow it, That the disputes that may arise on that subject between the two Houses may be prevented and this Session be concluded with that harmony we wish to subsist between the several branches of the Legislature

By order

J. B. Clk.

14th January 1768.

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

This House taking into consideration your Message relative to the appointment of a Committee to draw up a petition to his Majesty for leave to emit a currency Have appointed the Honble John Rutherford and Lewis DeRosset Esq^{rs} a Committee of this House to join the Gentlemen by you appointed for that purpose.

By order

J. B. Clk.

14th January 1768.

Received from the Assembly the following Message and Resolve,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL.

This House have reconsidered your Message relating to the allowance made your Clerk at the last Session, and should be extremely sorry that any matter might interrupt the good understanding and harmony that has hitherto subsisted between the two Houses, but cannot recede from our resolution of yesterday on that subject.

14th January 1768

JOHN HARVEY Speaker

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL

This House have unanimously Resolved, that Mr Speaker do provide for himself the Clerk of this House and the Council and officers thereof necessary robes suitable to their stations, and a Mace for this House and the Council at the expence of the Public and desire your Honors Concurrence

14th January 1768.

JNO. HARVEY Speaker

15th January Concurred with

JAMES HASELL P. C.

Then the House adjourned till 10 o'Clock tomorrow morning

Friday Morning 15th January 1768.

The House met according to adjournment.

Present as before.

Received from the Assembly their estimate of allowances &c^a which was laid before the House for their examination.

On motion the estimate of this House was read approved of and sent to the Assembly for their concurrence (by the Clerk) and

received it back, Indorsed 15th Jany. In the Assembly read and concurred with

JOHN HARVEY Speaker

By order W^m. HERRITAGE Clk.

On motion the estimate of the Assembly was read, taken under consideration and concurred with

JAS. HASELL P. C.

Received from the Assembly p. Mr Montford and Mr Moore the following Resolve Viz^t

In the Assembly.

It appearing to the House that there is still due on account of the Parliamentary Grants to this Province in the hands [of] James Abercrombie and Samuel Smith Esq^r and Couchet Jouvencil Esq the sum of sixteen hundred pounds sterling and upwards,

Resolved, that Joseph Montford and John Ashe Esq^r Treasurers be and are hereby impowered at the expence of the public to sue for and recover the same and that they appoint one or more sufficient Attorney or Attorneys in London for that purpose and on the recovery and receipt thereof that they pay to the said Couchet Jouvencil Esq the arrears of salary due to him as agent of this Province and that after deducting the charges and expences of recovering the same they apply the ballance to the contingencies of this Government

15th Jan^y 1768.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL

The above is a Resolve of this House of this day and desire your Honors concurrence thereto.

JOHN HARVEY Speaker

By order W^m. HERRITAGE Clk.

Concurred with in the upper House 15th Jan^y 1768.

JAS. HASELL P. C.

By order J. BURGWIN Clk.

Then His Excellency the Governor came to this House and commanded the attendance of the Speaker and Gentlemen of the

Assembly and to bring with them what Bills they had ready to ratify, they accordingly attended and presented to His Excellency the following Bills for His Assent Viz^t

1. The Superior Court Act
2. The Inferior Court Act
3. The Jury Act
4. The Sheriff Act
5. The Treasurers Act
6. An Act vesting 12 lots in the Town of New Bern in his Excellency the Governor
7. An additional Act to the Edifice
8. An Act for defraying the contingent charges of Government.
9. An Act for regulating the inspection of Tobacco &c^a
10. An Act for a gaol and gaolers House in New Bern.
11. An Act for erecting a gaol, pillory and stocks in Salisbury
12. An Act for the inspection of hemp and flax
13. An Act concerning idle and dissolute persons.
14. An Act for establishing the Town of New Windsor on Cashey River in Bertie County
15. An Act for regulating ordinarys and restraint of tippling houses,
16. An Act to amend an Act for facilitating the navigation of Port Bath
17. An Act for vacating the title of certain persons to 300 Acres of land adjoining Fort Johnston
18. An Act for continuing the Militia Acts
19. An Act for a public road from Mecklenburgh to Wilmington and Brunswick
20. An Act for the regulation of Wilmington
21. An Act for destroying crows and squirrels
22. An Act for the Town of Hertford in Perquimans County,
23. An Act for a prison, pillory and stocks in Currituck County
24. An Act for annexing part of Northampton County to the County of Bute
25. An Act for establishing a vestry elected for the Parish of St Stephen in Johnston County
26. An Act for the regulation of Brunswick.
27. An Act for appointing an inspector for Eagles Island.
28. An Act to amend the several Acts concerning New Bern.

To which His Excellency was pleased to give his Assent (except to the last mentioned Act which he rejected) and then he made the following Speech to both Houses Viz^t.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL, MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

I congratulate you on the happy issue to this Session at the same time that I thank you for the particular attention you have paid to the several considerations I have referred to you in the course of it.

I must own, I regret that no provision is made for a supply of Ammunition for the defence of this Province: However upon your further deliberation of the real necessity of such a provision I rest in full confidence that a powder duty will be obtained at your next meeting.

I have only to add I shall exert my utmost endeavours that the liberality of your vote for finishing the Edifice may be applied to the best advantage as also to direct every public measure within my Sphere, to the prosperity of this Government and the felicity of its Inhabitants.

W^m. TRYON.

LEGISLATIVE JOURNALS. — CONTINUED.

[Lower House of Assembly, continued from page 565.]

Fryday the 1st of January 1768.

The House met according to Adjournment.

M^r Smith presented a certificate from the County Court of Hyde therein recommending Joshua Tyson of said County to be exempt from paying Public Taxes and doing Public Duties. Granted.

On motion Ordered the Bill for establishing the Vestry elected for the Parish of S^t Stephen in Johnston County, be read the second time. Read the same a second time, pass'd and ordered to be sent to the Council.

On motion Ordered the Bill concerning free Negroes be read the second time, and then On motion Ordered the said Bill be committed to M^r Barrow and M^r Rob^t Howe for amendment and that they report such amendments (they may propose) to the House for approbation.

M^r Thomas Howe moved for leave to absent [himself] from the House till Wednesday next.

Ordered he have leave accordingly.

Mr Jacob Blount pursuant to Order presented a Bill for establishing a Town on the Land of William Gray on Cashy river in Bertie County which he read in his place and delivered in at the Table where the same was again read by the Clerk pass'd and ordered to be sent to the Council.

Sent the above two Bills by Mr Hardy & Mr Blount.

On motion Ordered the Bill for establishing Warehouses in the Towns of Halifax and Campbelton &c. be read the third time. Read the same a third time pass'd and ordered to be sent to the Council, Sent by Mr Branch and Mr Walsh.

On motion Ordered the Bill to amend and continue an Act entitled an Act for rendering more effectual the several Laws making Lands and other real estate lyable to the payment of debts, be read the second time. Read the same a second time amended pass'd and ordered to be sent to the Council.

On motion Ordered the Bill for an additional Act to an Act intituled an Act for erecting a convenient building within the Town of New-Bern for the residence of the Governor or Commander in Chief for the time being be read the third time. Read the same a third time amended pass'd & ordered to be sent to the Council.

Sent the above three Bills by Mr Branch & Mr Walsh.

Mr Johnston presented a Certificate from the Court of Chowan County therein recommending Butler Bennet of said County to be exempt from paying Public Taxes. Granted.

Mr Fanning presented several Certificates from the Court of Orange County therein recommending William Meaus, James Redfairn, Andrew Aikin, Richard Ford, Robert Wells, Joseph Clark, Thomas Dunnigan Sen^r, James Jones, John Cooper, Randolph Alexander, Joseph Studdant and William Reacer to be exempt from paying Public Taxes — Granted.

Received from the Council the Bill directing the appointing Jurymen in all Causes criminal & Civil. Endorsed 1st January 1768 In the Upper House read the first time amended & pass'd.

Mr Montford according to Order presented a Bill for appointing Sheriffs and directing their duty in Office, which he read in his place and delivered in at the Table where the same was again read by the Clerk pass'd and ordered to be sent to the Council.

Received from the Council the Bill for annexing part of Northampton County to the County of Bute. Endorsed 1st January 1768,

In the Upper House read the third time and pass'd. Ordered to be engrossed.

On motion Ordered the Bill for vesting certain Lotts in the Town of Newbern in His Excellency the Governor and his Successors be read the second time. Read the same a second time amended pass'd and ordered to be sent to the Council.

Sent the above two Bills by M^r Benj: Harvey & M^r Respass.

Then the House adjourned till 10 o'clock tomorrow morning

Saturday the 2^d January 1768.

The House met according to Adjournment.

M^r Caswell presented a Certificate from the Court of Hertford County therein recommending Benj: Brown Sen^r and John Brown of said County to be exempt from paying poll Taxes during the time he labours under his present calamities—Granted

On motion Ordered the Bill to amend an Act intituled an Act for facilitating the navigation of Port Roanoak, Port Bath, and Port Beaufort be read a third time. Read the same a third time amended pass'd & ordered to be sent to the Council.

M^r Spencer presented two Certificates from the Court of Anson County therein recommending Ralph Mason and William Saunders of said County to be exempt from paying Taxes—Granted.

M^r Spencer moved for leave to present a Bill for laying out a Public road from the Frontiers of this Province thro' the Counties of Mecklenburg, Rowan, Anson, and Bladen to Wilmington & Brunswick. Ordered he have leave accordingly.

M^r Spencer presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk pass'd & ordered to be sent to the Council.

M^r Caswell moved for leave to present a Bill for appointing a Vestry in the Parish of S^t Thomas in the County of Beaufort. Ordered he have leave accordingly.

M^r Caswell presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk pass'd & ordered to be sent to the Council.

Sent the above three Bills by M^r Spencer & M^r Blinn.

M^r Frohock, M^r Lloyd and M^r Rutherford moved for leave to absent themselves from the service of the House. Ordered they have leave accordingly.

M^r Maurice Moore moved for leave to present a Bill for appointing an Agent to solicit the affairs of this Province at the several Boards in England. Ordered he have leave accordingly.

M^r Maurice Moore presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk pass'd and Ordered to be sent to the Council.

On motion Ordered M^r Vail, M^r Respass & M^r Campbell be added to the Committee of Claims

On motion Ordered the Bill for rating Gold & Silver Coin and making it a Tender in all payments be read a second time. Read the same a second time amended pass'd & ordered to be sent to the Council.

Sent the above two Bills by M^r Gibson & M^r Phifer.

M^r Montford moved for leave to present a Bill for defraying the contingent charges of Government. Ordered he have leave accordingly.

M^r Montford presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk pass'd and ordered to be sent to the Council. Sent by M^r Campbell and M^r Simpson.

M^r Benton informed the House that one James Johnston in Public Companies grossly abused and aspersed the character of M^r Edmund Smithwick one of the members of this House in contempt and breach of the Privileges thereof.

Therefore moved that the said James Johnston be sent for in Custody of the Sergeant at arms to answer for such his conduct at the Bar of the House & that M^r Speaker issue his Warrant accordingly.

Received from the Council the Bill to amend an Act entitled an Act for the regulation of the Town of Wilmington. Endorsed 2^d January 1768, In the Upper House read the second time amended & pass'd.

The Sergeant at Arms returned the Warrant to him directed to take the body of James Johnston in these words (to wit) In Virtue of the within Warrant to me directed I have taken the body of the said James Johnston as I am within commanded, so says Benj: Fordham Sergeant at Arms.

The Delinquent appeared at the Bar, avowed the Facts charged against him and offered to prove the same. It is therefore ordered he be kept in Custody of the said Serg^t and that M^r Ashe, M^r Bar-

row, M^r Benton, M^r Jacob Blount, M^r Maurice Moore, M^r Willie Jones, M^r Harnett, M^r Vail and M^r Caswell be a Committee to inquire into the facts alleged against the said James Johnston and also that the said Committee have power to send for persons, papers and records for their information of the said facts and report their proceedings thereon to the House.

Received from the Council the Bill for appointing Sheriffs and directing their Duty in Office.

The Bill for defraying the contingent Charges of Government, And the Bill for appointing an Agent to solicit the Affairs of this Province at the several Boards in England. Endorsed 2^d January 1768, In the Upper House read the first time and pass'd.

Then the House adjourned till 10 o'clock Monday morning.

Monday 4th January 1768.

The House met according to adjournment

Received from the Council the Bill to amend & continue the several Acts for establishing Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province. Endorsed 2^d January 1768, In the Upper House read the second time & pass'd with amendments.

M^r Charleton moved for leave to absent [himself] from the service of the House tomorrow.

Ordered he have leave accordingly.

M^r Moore moved for leave to present a Bill to amend an Act intituled an Act to encourage Persons to settle in the Town of Brunswick on the No. West side of Cape Fear river.

Ordered he have leave accordingly.

M^r Moore presented the above mentioned Bill which he read in his place & delivered in at the Table where the same was again read by the Clerk pass'd and ordered to be sent to the Council.

Sent by M^r James Moore & M^r Williams.

Received from the Council an additional Bill to an Act for erecting a convenient building within the Town of Newbern for the residence of the Governor or Commander in Chief for the time being. Endorsed 4th January 1768, In the Upper House read the third time and passed. Ordered to be engrossed.

And the Bill for appointing a Vestry in the Parish of S^t Thomas in the County of Beaufort Endorsed 2^d January 1768, In the Upper House read the first time and pass'd.

M^r Ashe from the Committee appointed to enquire into the facts alledged against James Johnston relative to the abusing and detracting the character of M^r Edmund Smithwick in contempt and breach of the Priviledges of this House, reported that the said Committee had heard the allegations of the said Johnston and the evidences produced by him to the Committee; and are of opinion that the said Johnston hath not supported the facts which he avowedly proposed to do against the said M^r Smithwick

Resolved by the House that the said James Johnston hath not supported the facts which he proposed to do against the said M^r Edmund Smithwick.

The House taking the same under consideration resolved and Ordered that the said James Johnston for such his contempt and breach of the Priviledges of this House, do on his knee ask pardon of the House and that standing he ask pardon of M^r Smithwick and that on paying seven pounds & ten shillings Proe: Money to the Sergeant for fees to himself and Clerk the said James Johnston be discharged.

Then the said James Johnston at the Bar of the House asked pardon pursuant to the above resolve and Order.

On Motion Ordered the Bill for appointing jurymen in all Causes Criminal & Civil be read the third time. Read the same a third time, amended. pass'd and ordered to be sent to the Council.

Sent by M^r Benj: Blount & M^r Ward.

M^r Elmsley moved for leave to present a Bill to amend the several Acts for regulating the Town of New Bern and for other purposes therein mentioned.

Ordered he have leave accordingly.

M^r Elmsley presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk, pass'd & ordered to be sent to the Council.

Received from the Council the Bill to amend an Act intituled an Act for facilitating the navigation of Port Roanoak, Port Bath and Port Beaufort. Endorsed 4th January 1768, In the Upper House read the third time and passed. Ordered to be engrossed.

The Bill to amend an Act entitled an Act to encourage persons to settle in the Town of Brunswick &c.

The Bill to amend an Act entitled an Act for establishing a Town on the Lands of John and William Russell minors sons of John Russell deceased on the West side of the North West branch of Cape Fear River &c.

The Bill for establishing a town on the land of William Gray on Cashey river.

The Bill for laying out a public road from the Frontiers of this Province thro' the Counties of Mecklenburgh, Rowan, Anson &c. Endorsed 4th January 1768, In the Upper House read the first time and pass'd.

And the Bill for establishing Public Warehouses in the Towns of Halifax and Campbelton. Endorsed 4th January 1768, In the Upper House read the third time and passed. Ordered to be engrossed.

M^r Waddell moved for leave to present a Bill to continue the Acts therein mentioned.

Ordered he have leave accordingly.

M^r Waddell presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk, pass'd and ordered to be sent to the Council.

Received from His Excellency the Governor a written message by M^r Edwards — viz^t: —

M^r SPEAKER & GENT^l OF THE HOUSE OF ASSEMBLY,

I herewith send you an extract of a letter I received from Captain Hayward of His Majesty's sloop *Martin* stationed at Cape Fear, in the following words — "Understanding by Captain Morgan the great desertion of Seamen from His Majesty's ships owing to the encouragement they meet with and the opportunities & conveniences of their escaping being apprehended again, I am to pray your Excellency will be pleased if there is not already an Act of this Province against the Harbourers & Inticers of Seamen from the King's service (which I beg may be made public) to propose something of this nature to your Council that some methods may be taken to answer so salutary a purpose, and thereby prevent the disagreeable necessity of distressing the Merchants service, by impressing their men which must be the case whenever there is occasion for us to go to sea."

Which having communicated to His Majesty's Council it was their advice I should recommend to your consideration, therefore hope you will fall on some method effectually to remedy the evil complained of. -

W^m. TRYON.

The House took under consideration the above message, and

Resolved M^r Robert Howe prepare and bring in a Bill pursuant to the contents of said message.

M^r Rob^t: Howe pursuant to order brought in a Bill to prevent the desertion of Seamen in His Majesty's service, which he read in his place & delivered in at the Table where the same was again read by the Clerk pass'd and ordered to be sent to the Council.

M^r Ashe moved for leave to present a Bill to lay a tax on the Inhabitants of the several Counties within the District of Wilmington Superior Court to build a Gaol and Gaoler's House in the Town of Wilmington and other purposes.

Ordered he have leave accordingly.

M^r Ashe presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk pass'd & ordered to be sent to the Council,

Sent the above four Bills by M^r Montford & M^r Shepard.

Received from the Council the following message — viz^t:

M^r SPEAKER AND GENT^m OF THE ASSEMBLY,

On reading a third time the Bill to appoint a Public Treasurer of the Northern District and other purposes, We observe that you have *deled* the clause empowering the Governor for the time being to appoint a Public Treasurer in case of the death or removal of either of the Treasurers by this Act appointed which we propose to have inserted in the said Bill in the following words—viz^t,

And be it further enacted by the authority aforesaid that in case of the death or departure out of this Province of the said Treasurers or either of them hereby appointed it shall and may be lawful for the Governor or Commander in Chief for the time being with the advice of His Majesty's Council to appoint and constitute any other person or persons in his or their place or stead to execute the said Office until the next Session of Assembly such person appointed giving bond and security as is herein before directed, to which if your House agree please to send some of your members to see the said Clause inserted in the said Bill.

4th January 1768.

Resolved the following Message be sent to the Council — viz^t

GENT OF HIS MAJESTY'S HON^{ble} COUNCIL

In answer to your message of this day relative to the amendment you propose to the Bill to appoint a Public Treasurer of the Northern District and other purposes, We must inform your Hon^{rs} this

House cannot agree thereto and desire your Hon^{rs} will be pleased to pass that Bill as sent you from this House on our third reading thereof.

JOHN HARVEY, Speaker.

4th January 1768.

Sent by M^r Harris & M^r Jones.

Received from the Council the Bill for dividing the County of Mecklenburgh and other purposes.

The Bill to prevent the desertion of Seamen in His Majesty's Service.

The Bill to amend the several Acts for regulating the Town of Newbern &c.

The Bill to continue the Acts therein mentioned.

The Bill to lay a Tax on the several Counties within the District of Wilmington Superior Court, to build a new Gaol and Gaoler's House &c. Endorsed 4th Jany 1768, In the Upper House read the first time and pass'd.

And the Bill for establishing a vestry elected for the Parish of S^t Stephen in Johnston County. Endorsed 4th Jany 1768, In the Upper House read the second time and pass'd.

M^r Ashe moved for leave to present a Bill to repeal part of an Act intituled an Act for encouraging the culture of Hemp and Flax and other purposes.

Ordered he have leave accordingly.

M^r Ashe presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk pass'd & ordered to be sent to the Council.

Sent by M^r Campbell and M^r Simpson,

Received from the Council the following Message — vizt^t:

M^r SPEAKER AND GENT^l OF THE ASSEMBLY,

On reading a third time the Bill for establishing a School House in the Town of Edenton we observe you have *deled* the following clause—viz^t: Provided also that no person shall be admitted to be Master of the said school but who is of the established church of England and who at the recommendation of the Trustees or Directors or the majority of them shall be duly licenced by the Governor or Commander in Chief for the time being, which clause we propose stating [*steting*], and if you agree thereto, please send some of your

members to see the same done, otherwise we cannot agree to pass the Bill.

4th January 1768. In the Upper House.

Resolved the following Message be sent to the Council

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL

In answer to your message of this day relative to the Bill for establishing a School House in the Town of Edenton wherein you observe that this House have *deled* the clause wherein the qualification of a master to be appointed for that School on the recommendation therein mentioned, and propose this House should agree the said Clause be *steted* to which we cannot agree and hope your Honors will pass that Bill as sent you from this House on our last reading the same.

JNO. HARVEY Speaker

By order W^m. HERITAGE Clk.

4th January 1768

M^r Fanning moved for leave to present the following Bills, to wit,
The Bill to prevent the frequent abuses in taking up and secret-
ing of stray Horses in the Counties of -----

A Bill for granting to His Majesty a duty on the Tonage of ships
and other vessells coming into this Province for the purposes therein
mentioned.

A Bill for regulating Ordinaries & restraint of Tipling Houses.

Ordered he have leave accordingly.

M^r Fanning presented the above mentioned Bills which he read
in his place and delivered in at the Table where the same was
again read by the Clerk pass'd & ordered to be sent to the Council.

M^r Hardy moved for leave to present a Bill concerning idle and
dissolute persons. Ordered he have leave accordingly.

M^r Hardy presented the above mentioned Bill which he read in
his place and delivered in at the Table where the same was again
read by the Clerk pass'd and ordered to be sent to the Council.

Sent the above four Bills by M^r Rutherford & M^r Bartram

On motion Ordered the Bill for establishing a Vestry elected for
the Parish of S^t Stephen Johnston County be read the third time.
Read the same a third time pass'd and ordered to be sent to the
Council.

On motion Ordered the Bill for establishing a Town on the Land of William Gray on Cashy river in Bertie County be read a second time. Read the same a second time amended pass'd & ordered to be sent to the Council.

Sent the above two Bills by M^r Rutherford & M^r Bartram.

M^r Ashe from the Committee appointed last Session of Assembly to view a certain quantity of Land for the use of Fort Johnston and the Garrison there reported the said Committee had viewed the land recommended by His Excellency the Governor last Session of Assembly to be purchased by the Public for the use of Fort Johnston, and in obedience to the command of the House carefully viewed the same and find three hundred acres necessary for the use of the said Fort on which are two or three small houses built for which the Committee could make no agreement occasioned by the exorbitant demand made by the owners thereof. The Committee do further report that they adjudge it absolutely necessary that the said quantity of three hundred acres of land should be vested in the Crown for his Majestys service and the use & benefit of the said force and Garrison.

(Signed)

COR^s HARNETT,
JOHN ASHE,
WILLIAM BARTRAM,
FELIX KENAN,
ROBERT HOWE.

Then the House adjourned till 4 o'clock afternoon.

P. M. The House met according to Adjournment.

M^r Fanning moved for leave to present a Bill for vacating the Titles of certain Persons to three hundred acres of land situate on the lower part of Cape Fear and adjoining Fort Johnston for the re-vesting the same in the Crown. Ordered he have leave accordingly.

M^r Fanning presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk pass'd and ordered to be sent to the Council.

M^r Hewes moved for leave to present the following Bills viz^t:

A Bill to repeal part of an Act for rendering more effectual the Laws making Land and other real estate lyable to the payment of debts.

A Bill to place the roads under the management of Comm^{rs} in the several Counties therein mentioned.

Ordered he have leave accordingly.

M^r Hewes presented the above mentioned Bills which he read in his place and delivered in at the Table where the same was again read by the Clerk pass'd and ordered to be sent to the Council.

On motion Ordered the Bill for laying out a road from the Frontiers of this Province thro' the Counties of Mecklenburg, Rowan, Anson and Bladen to Wilmington and Brunswick be read the second time. Read the same a second time amended pass'd & ordered to be sent to the Council.

M^r Waddell moved for leave to present a Bill for laying a Tax on the Inhabitants of St James Parish in New Hanover County to finish the Parish Church in the Town of Wilmington and for paying the minister of the said Parish for the year 1766.

Ordered he have leave accordingly.

M^r Waddell presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk pass'd and ordered to be sent to the Council

On motion Ordered the Bill for dividing the County of Mecklenburgh &c. be read the second time. Read the same a second time amended pass'd & ordered to be sent to the Council.

M^r Polk moved for leave to present a Bill for establishing a Town in Mecklenburgh County.

Ordered he have leave accordingly.

M^r Polk presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk pass'd and ordered to be sent to the Council.

On motion Ordered a Bill to amend an Act entitled an Act for establishing a Town on the Lands of John and William Russell Minors sons of John Russell deceased on the west side of the N^o. West branch of Cape Fear river &c. be read the second time Read the same a second time amended pass'd & ordered to be sent to the Council.

M^r Robert Howe moved for leave to present a Bill for appointing an Inspector for the great Island opposite Wilmington.

Ordered he have leave accordingly.

M^r Howe presented the above mentioned Bill which he read in

his place and delivered in at the Table where the same was again read by the Clerk pass'd & ordered to be sent to the Council.

Sent the above nine Bills by M^r Hardy & M^r Walsh.

Then the House adjourned till 10 o'clock tomorrow morning.

Tuesday the 5th January 1768

The House met according to adjournment

Received from the Council the Bill to repeal part of an Act entitled an Act for encouraging the culture of Hemp and Flax. Endorsed 4th Jan'y 1768, In the Upper House read the first time and passed.

On motion Ordered the Bill to amend an Act intituled an Act to encourage Persons to settle in the Town of Brunswick &c. be read a second time. Read the same a second time amended pass'd and ordered to be sent to the Council.

On motion Ordered the Bill to amend an Act intituled an Act for the regulation of the Town of Wilmington be read the third time. Read the same a third time amended pass'd & ordered to be sent to the Council.

On motion Ordered the Bill to continue the Acts therein mentioned be read a second time. Read the same a second time pass'd and ordered to be sent to the Council.

On Motion Ordered the Bill to repeal part of an Act intituled an Act for encouraging the culture of Hemp and Flax &c. be read a second time. Read the same a second time pass'd and ordered to be sent to the Council.

Sent the above four Bills by M^r Polk & M^r Spiers.

On Motion Ordered the Bill to amend and continue the several Acts for establishing Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province be read a third time. Read the same a third time amended pass'd & ordered to be sent to the Council.

Received from the Council the following Bills — viz: —

The Bill for granting to His Majesty a duty upon the Tonage of Ships and other Vessells coming into this Province for the purposes therein mentioned.

The Bill for preventing the frequent abuses in taking up and secreting stray horses in the Counties of -----

The Bill for laying a Tax on the Inhabitants of S^t James' Parish in New Hanover County to finish the Parish Church in the Town of Wilmington &c.

The Bill concerning idle and dissolute Persons.

And the Bill for regulating Ordinaries and restraint of Tipling Houses. Endorsed 5th January 1768, In the Upper House read the first time and passed.

And also the Bill for establishing a Town on the Land of William Gray on Cashy river in Bertie County &c. Endorsed 5th January 1768, In the Upper House read the second time and pass'd.

Received from the Council the Bill to repeal part of an Act for rendering more effectual the Laws making Lands and other real Estate lyable to the payment of Debts.

The Bill to place the roads under the management of Comm^{rs} in the several Counties therein mentioned.

The Bill for vacating the Titles of certain persons to three hundred acres of land situate in the lower part of Cape Fear and adjoining Fort Johnston and for re-vesting the same in the Crown for His Majesty's service & the benefit of the said Fort and Garrison.

And the Bill for establishing a Town in Mecklenburg County. Endorsed 5th January 1768, In the Upper House read the first time and pass'd.

Received from the Council the Bill to amend an Act intitled an Act for establishing a Town on the Lands of John and William Russell Minors sons of John Russell deceased on the West side of the N^o. West branch of Cape Fear river &c.

The Bill to continue the several Acts therein mentioned.

The Bill for laying out a Public road from the Frontiers of this Province through the Counties of Mecklenburg &c. Endorsed 5th January 1768, In the Upper House read the second time & pass'd with Amendments.

The Bill for appointing an Inspector for the Great Island opposite Wilmington. Endorsed 5th January 1768, In the Upper House read the first time and passed.

The Bill to repeal part of an Act intitled an Act for encouraging the culture of Hemp and Flax.

And the Bill for amending An Act intitled an Act to encourage persons to settle in the Town of Brunswick &c. Endorsed 5th January 1768, In the Upper House read the first time & pass'd.

Received from the Council the following Message — viz^t

MR SPEAKER & GENT^m OF THE ASSEMBLY.

On reading a third time the Bill for regulating the Town of Wilmington We propose that two of the Wells to be sunk in the said Town in the Bill mentioned be done within twelve months and the pumps therein properly fixed, and that the Act shall continue in force for and during twelve months from and after the passing thereof and no longer; if you agree to these amendments please send some of your Members to see them inserted in the said Bill otherwise we cannot agree to pass the Bill.

5th January 1768.

Received from the Council the Bill for vesting certain Lotts in the Town of New-Bern in His Excellency the Governor and his Successors. Endorsed 5th January 1768, In the Upper House read the second time amended and pass'd.

Received from the Council the following Message — viz^t

MR SPEAKER & GENT^m OF THE ASSEMBLY,

On reading a third time the Bill for destroying Crows and Squirrels in the several Counties therein mentioned, We propose that the following Proviso be inserted in the Bill — viz^t, Provided always that no Taxables constantly resident in any of the Towns in the Bill mentioned shall be included in the Act. If you agree thereto please send some of your members to see the same inserted in the Bill.

5th January 1768.

Resolved the following message be sent to the Council,

GENT^m OF HIS MAJESTY'S HON^{ble} COUNCIL.

In answer to your message of this day regarding the provisional clause you propose to the Bill for destroying Crows and Squirrels this House agree to the insertion thereof and send M^r Blount and M^r Caswell to see the same inserted.

JOHN HARVEY, Speaker.

By order W^m. HERITAGE Clk.

5th January 1768.

M^r Shepard moved for leave to absent [himself] from the service of the House tomorrow.

Ordered he have leave accordingly.

Then the House adjourned till 10 o'clock tomorrow morning.

Wednesday the 6th of January 1768.

The House met according to adjournment

On motion Ordered the Bill to amend an Act entitled an Act for establishing a Town on the land of John and William Russell minors, sons of John Russell deceased, &c. be read a third time. Read the same a third time amended, pass'd and ordered to be sent to the Council.

On motion Ordered the Bill for establishing a Town in Mecklenburg County be read the second time. Read the same a second time, amended pass'd and ordered to be sent to the Council.

On motion Ordered the Bill to amend an Act entitled an Act to encourage persons to settle in the town of Brunswick &c. be read the third time. Read the same a third time, amended pass'd and ordered to be sent to the Council.

On motion Ordered the Bill to repeal part of an Act for rendering more effectual the Laws making Lands and other real Estate lyable to the payment of debts be read the second time. Read the same a second time, pass'd and ordered to be sent to the Council.

On motion Ordered the Bill to continue the Acts therein mentioned be read the third time. Read the same a third time amended, pass'd and ordered to be sent to the Council.

Sent by M^r Ashe & M^r Waddell.

On motion Ordered the Bill for laying a Tax on the Inhabitants of S^t James Parish in New Hanover County &c. be read the second time. Read the same a second time. Then the motion was made and question put that the said Bill pass, & pass'd in the negative.

Received from the Council the Bill for destroying Crows and Squirrells in the several Counties therein mentioned. Endorsed 6th January 1768, In the Upper House read the third time and passed. Ordered to be engrossed.

On motion Ordered the Bill to lay a Tax on the several Counties within the District of Wilmington Superior Court &c. be read the second time. Read the same a second time. Then the question was put that the said Bill pass, & pass'd in the negative.

On motion Ordered the Bill for appointing a Vestry in the Parish of S^t Thomas in the County of Beaufort be read the second time. Read the same a second time. Then the question was put that the said Bill pass & pass'd in the negative.

On motion Ordered the Bill for establishing a Town on the Lands of William Gray on Cashy river in Bertie County be read the third

time. Read the same a third time, amended pass'd and ordered to be sent to the Council.

On Motion Ordered the Bill to repeal part of an Act entitled an Act for encouraging the culture of Hemp & Flax &c. be read a third time. Read the same a third time pass'd and ordered to be sent to the Council.

On Motion Ordered, the Bill for defraying the contingent charges of Government be read the second time. Read the same a second time amended passed & ordered to be sent to the Council.

On Motion Ordered the Bill concerning idle & dissolute Persons be read the second time. Read the same a second time amended pass'd & ordered to be sent to the Council.

Sent the above four Bills by M^r Ashe & M^r Waddell.

Resolved the following message be sent to the Council

GENT^m OF HIS MAJESTY'S HON^{ble} COUNCIL.

In answer to your message of the 5th inst: wherein you propose that two of the wells to be sunk in the Town of Wilmington be done within twelve months and the pumps therein properly fixed, and also that the said Act shall continue in force for & during twelve months after the passing thereof and no longer, this House do agree to have the same inserted in that Bill and send herewith M^r Ashe and M^r Waddell two of the Members of this House to see the same done accordingly.

JOHN HARVEY, Speaker.

By order W^m. HERITAGE Clk.

6th January 1768.

On Motion Ordered the Bill for vacating the Titles of certain persons to three hundred acres of land on the lower part of Cape Fear, and adjoining Fort Johnston &c. be read the second time. Read the same a second time amended pass'd & ordered to be sent to the Council.

Sent by M^r Ashe & M^r Waddell.

On Motion Ordered the Bill to prevent the frequent abuses in taking up and secreting of stray horses &c. be read the second time. Read the same a second time amended pass'd and ordered to be sent to the Council.

On Motion Ordered the Bill for appointing an Inspector for the great Island opposite Wilmington &c. be read the second time.

Read the same a second time amended pass'd and ordered to be sent to the Council.

Sent the following message to His Excellency the Gov^r by M^r Ashe,

SIR,

This House have had under their consideration your Excellency's message of the 21st of December last with the plan and elevation of the house and offices for the residence of the Governor for the time being, and account current therein referred to and have by a Bill pass'd both Houses and ordered to be engrossed made such provision as we hope your Excellency will judge sufficient not only to make good the deficiency of former funds but also compleatly to finish the said House and Offices agreeably to the Plan laid before the House by your Excellency.

5th January 1768.

JOHN HARVEY, Speaker.

On Motion Ordered the Bill for vesting certain Lotts in New Bern in His Excell^y the Governor and his Successors be read the third time. Read the same a third time amended pass'd and ordered to be sent to the Council.

On Motion Ordered the Bill to amend the several Acts for regulating the Town of New Bern &c. be read the second time. Read the same a second time pass'd and ordered to be sent to the Council.

On Motion Ordered the Bill for laying out a Public road from the frontiers of this Province thro' the Counties of Mecklenburg &c. be read the third time. Read the same a third time pass'd and ordered to be sent to the Council.

Sent the above five Bills by M^r Blount & M^r Branch.

On Motion Ordered the Bill for regulating Ordinaries and restraint of Tipling Houses.

And the Bill for granting to His Majesty a duty on the Tonage of ships and other Vessels coming into this Province &c. be read a second time. Read the same a second time amended pass'd and ordered to be sent to the Council.

Sent the above two Bills by M^r Campbell & M^r Williams.

Then the House adjourned till 10 o'clock tomorrow morning.

Thursday the 7th January 1768.

The House met according to Adjournment.

On motion Ordered the Bill for appointing an Agent &c. be read. Read the same.

Mr Maurice Moore moved the said Bill lye on the Table.

Received from the Council the Bill to amend an Act intitled an Act for the regulation of the Town of Wilmington. Endorsed 6th January 1768, In the Upper House read the third time amended & pass'd.

And the Bill for establishing a Vestry for the Parish of S^t Stephen in Johnston County. Endorsed 5th January 1768, In the Upper House read the third time & pass'd. Ordered to be engrossed.

Received from the Council the Bill to amend the several Acts for regulating the town of New Bern &c. Endorsed 6th January 1768, In the Upper House read the second time and pass'd.

Mr Caswell moved for leave to absent [himself] from the service of the House after tomorrow.

Ordered he have leave accordingly.

On motion Ordered the Bill for appointing Sheriffs and directing their duty in Office be read the second time. Read the same a second time amended pass'd and ordered to be sent to the Council.

Sent by Mr Harris & Mr Branch.

Then the House adjourned till 10 o'clock tomorrow morning

Friday the 8th of January 1768.

The House met according to adjournment.

Received from the Council the Bill concerning idle and dissolute persons.

And the Bill for establishing a Town in the County of Mecklenburgh,

And also the Bill for appointing an Inspector for the Great Island opposite Wilmington. Endorsed 7th January 1768, In the Upper House read the second time and pass'd.

And the following message — viz^t:—

Mr SPEAKER AND GENT^l OF THE ASSEMBLY,

On reading a third time the Bill to amend and continue the several Acts for establishing Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province, We observe in a recital of the inconveniences arising by the ambiguity of the present Fee Bill you have inserted for *remedy* whereof; the word *remedy* we propose should be *deleted* and the word *explanation* inserted in its stead. We further propose that the days of holding the several Infe-

rior Courts in the Counties following be altered and stand as underneath — viz^t:

For Hyde County, on the first Tuesday in April, July, October and January.

For Beaufort County, 2^d Tuesday in April, July, October and January.

Tyrrell County, the 2^d Tuesday in February, May, August and November.

And we likewise propose that at the Tryal of any Clerk for misbehaviour in Office at any Inferior Court there shall be present at Court at least five Justices on the Tryal. If you agree to these amendments please send some of your members to see them made in the said Bill.

7th January 1768.

MR SPEAKER AND GENT^m OF THE ASSEMBLY,

On reading a third time the Bill for dividing this Province into six several Districts and for establishing a Superior Court in each of the said Districts and regulating the Proceedings therein, We propose the following amendments—viz^t: In pa: 12, Sec: 10, That the Tax on Actions in the Superior Court be 7.6^d instead of 5^s. In pa: 14, Sec: 20, That twenty pounds be allowed the Attorney General instead of twelve pounds. That the Chancery Clause Sec: 43, pa: 27, be altogether expunged as foreign to the Bill, and in order to make the times of holding the several Superior Courts more convenient, We propose that the s^d Courts be held as follows—viz^t—

Hillsborough 22nd March and 22nd September.

Halifax on the 8th of April and 8th of October

Edenton 25th April and 25th October

New Bern 11th May and 11th November

Wilmington 27th May and 27th November.

In pa: 34. Sec: 54. It is declared that Persons of mixed blood to the third Generation inclusive are incapable in Law to be witnesses, We propose to *delete* the words *third* and *inclusive* and that it be made Persons of mixed blood to the fourth generation. In pa: 39 & 40. Sec: 63 & 64. We propose that the Commissions of Oyer and Terminer be directed to the Chief Justice and his Associates or either of them and that the Chief Justice and his Associates or either of them on receiving such Commissions, order the clerk to issue *Venire Facias* accordingly — We also propose that the annexed

Clause be inserted in the said Bill — “And whereas doubts have arisen as to what Process shall issue when any Sheriff shall return that any Defendant or Defendants in any suit in a superior Court for the recovery of Legacies, Filial portions and distribution shares of Intestates Estates, cannot be found, for remedy thereof be it enacted that in all such cases the Plaintiff shall be entitled to an attachment against the Goods & Chattells, Lands and Tenements of such Defendant or Defendants, and upon the return of such attachment executed, if the Defendant shall fail to reply, plead answer or demurr the same Term the Plaintiff shall be intituled to a conditional Judgment or Decree, pursuant to the Prayer of the said Petition which shall be final at the next Court, unless such Defendants shall appear and give security; and plead, answer or demurr to such Petition; and the same method shall be observed as to Garnishees as in other cases of attachment” And in order to make the continuance of this act consonant with several other Bills now under consideration We propose that it continue in force the time mentioned in the Bill and from the passing thereof to the end of the next Session of Assembly and no longer If your House agree to these amendments please send some of your members to see them inserted in the Bill.

7th January 1768.

On motion Ordered the Bill for defraying the Contingent charges of Government be read the third time, Read the same a third time pass'd and ordered to be sent to the Council. Sent by M^r Williams & M^r Spencer.

M^r Webster one of the members for Hyde County, appeared and took his seat in the House.

Received from the Council the Bill for preventing the frequent abuses in taking up and secreting stray Horses in the Counties therein mentioned. Endorsed 8th January 1768, In the Upper House read the second time amended and pass'd.

On motion Ordered the Bill for appointing an Inspector for the Great Island opposite Wilmington &c. be read the third time. Read the same a third time pass'd and ordered to be sent to the Council. Sent by M^r Williams and M^r Spencer.

Received from the Council the Bill for rating Gold & silver Coin and making it a Tender in all Payments. Endorsed 5th January 1768, In the Upper House read the second time and passed.

Received from the Council the Bill for laying out a Public Road from the Frontiers of this Province thro' the Counties of Mecklenburg, Rowan, Anson & Bladen to Wilmington and Brunswick.

And the Bill for establishing a Town on the Land of William Gray on Cashy river in Bertie County. Endorsed 8th January 1768, In the Upper House read the third time and pass'd. Ordered to be engrossed.

And the Bill to place the roads under the management of Commissioners &c. Endorsed 8th January 1768, In the Upper House read the second time and pass'd.

Resolved the following message be sent to the Council

GENT^m OF HIS MAJESTY'S HON^{ble} COUNCIL

In answer to your message relating to the Bill for dividing this Province into six several Districts and for establishing a Superior Court of Justice in each of the said Districts and regulating the Proceedings therein — This House agrees that the Chancery Clause be expunged That the time of holding the Superior Courts be altered as by your message proposed. That the section respecting witnesses of mixed blood be also altered as by your message proposed; and that the Comm^s of Oyer and Terminer shall be directed to the Chief Justice and his Associates or either of them, and that the Chief Justice and his Associates or either of them on receiving such Commission order the Clerk to issue *Venire Facias*; Accordingly, this House also agree that the Clause annexed to said message be inserted in said Bill and that the said Bill continue in force during the time mentioned in said Bill and from thence to the end of the next Session of Assembly and no longer, but this House cannot agree that twenty pounds be allowed the Attorney General but will agree that sixteen pounds be allowed instead of the twelve pounds, and this House cannot agree that the Tax in Sec: 10 of the said Bill be 7.6d. instead of 5s. and hope you will pass the Bill with such Amend^{ts} which if you agree to please to signify the same to this House that some of the Members may attend to see the other amendments made.

JOHN HARVEY, Speaker.

By Order W^m. HERRITAGE Clk.
8th January 1768.

Sent by M^r Smith and M^r Webster.

Received from the Council the Bill for defraying the contingent Charges of Government.

And the Bill to continue the Acts therein mentioned, Endorsed 8th January 1768, In the Upper House read the third time and passed. Ordered to be engrossed.

And also the Bill for vacating the Titles of certain persons to three hundred acres of Land situate on the Lower part of Cape Fear & adjoining Fort Johnston &c. Endorsed 8th January 1768, In the Upper House read the second time amended & pass'd.

Mr Smithwick moved for leave to absent [himself] from the service of the House.

Ordered he have leave accordingly.

Received from the Council the following message — viz^t

MR SPEAKER & GENT^l OF THE ASSEMBLY,

On reading a third time the Bill for vesting certain Lotts in the Town of New Bern in His Excell^y the Governor and his Successors, We propose, that part of the Bill from the words, *therein* in the first line in the 6th page to the word *and* in the 17th line in the same page be *Deled* and instead thereof the following words be inserted, "And all sums belonging to any Person or Persons unknown, under age, beyond seas, *Non Compos Mentis*, or under any other disability shall by the said Samuel Cornell as soon as received be paid into the hands of the Public Treasurers or one of them who are hereby required to receive the same of the said Samuel Cornell and to give him one or more sufficient receipt or receipts; and the same be paid by the s^d Public Treasurers or either of them with interest at 6p. per annum, unto such person or persons who may have a legal right thereto. If your House agree to this amendment please send some of your Members to see the same inserted in the said Bill.

8th January 1768.

Received from the Council the Bill for Granting to His Majesty a duty upon the Tonage of ships and other Vessells coming into this Province for the purposes therein mentioned.

And the Bill for appointing an Inspector for the Great Island opposite Wilmington &c. Endorsed 8th January 1768, In the Upper House read the third time and pass'd. Ordered to be engrossed.

Ordered the following Message be sent to the Council viz^t:

GENT^m OF HIS MAJESTY'S HON^{ble} COUNCIL.

In answer to your Message concerning the Bill to amend and continue the several Acts for establishing Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province— This House agree that the several amendments you propose be inserted in the said Bill and as by one of the Amendments agreed to be inserted in the Bill for dividing this Province into six several Districts and for establishing a Superior Court of Justice in each of the said Districts and regulating the proceedings therein makes it necessary to alter the days for holding several of the Inferior Courts, This House would therefore propose that the inferior Court for the County of Mecklenburg be held on the second Tuesday in January, April, July and October— Rowan the third and Orange the fourth Tuesdays in the same months, that Granville be held on the first, Bute the second, Halifax the third & Edgcomb the fourth Tuesdays in February, May, August and November and Northampton the first Tuesday in March, June, September and December which if you agree to please to signify the same to this House that some of the Members may attend to see the same inserted.

JOHN HARVEY Speaker

By order W^m. HERRITAGE Clk.
8th Jan^r 1768.

Sent by M^r Simpson and M^r Jones.

Received from the Council the Bill for appointing Sheriffs and directing their duty in Office. Endorsed 8th January 1768, In the Upper House read the second time, amended & pass'd.

And the Bill to amend an Act entitled an Act to encourage Persons to settle in the Town of Brunswick on the West side of Cape Fear river. Endorsed 8th January 1768, In the Upper House read the third time and pass'd. Ordered to be engrossed.

Resolved the following message be sent to the Council,

GENT^m OF HIS MAJESTY'S HON^{ble} COUNCIL,

This House having taken into consideration your message of this days date with the proposed amendment to the Bill for vesting certain Lots in the Town of New Bern in His Excellency the Governor and his Successors, cannot agree to the said amendment, as we think the Bill as it passed this House was consonant to the fixed principles of natural Justice, it being the duty of Guardians

by the Laws of this Province to take care that all monies belonging to Orphans be put at interest and in case of neglect are chargeable themselves for the same to their wards; We also judge it incumbent on such persons as are unknown and beyond seas if they expect any benefit or advantage from their property to make themselves acquainted with such Public Acts of the Legislative body of this Province as may affect the same and to take by themselves, their Agents, representatives or Attorneys the necessary measures for effecting the same; and as the Title is not to be vested in His Exc^t until after the payment of the money by the Public, We conceive the Public can by no Principle either in Law or equity be chargeable with Interest for the same, the Proprietors of such lots having an immediate right to demand the consideration allowed and receive the benefit thereof by such application for it as they shall think proper. We are further of opinion that it is improper to embarrass the Public Treasurers with the settling and adjusting Private accounts, and are apprehensive it may be more convenient for the Proprietors of such lots to receive their money of some person residing in the place where the whole of the records are lodged, which have a relation to the transferring of the property; for these reasons, which with us carry the appearance of Propriety & Convenience as well as of equity and Justice, we hope and flatter ourselves the Bill will pass with your Hon^{rs} as it left this House.

JOHN HARVEY Speaker

By order W^m. HERRITAGE Clk
8th Jan^y 1768.

Received from the Council the following message — viz^t:

M^r SPEAKER & GENT^l OF THE ASSEMBLY,

In answer to your Message of this day relative to the Superior & Inferior Court Bills—This House agree to your several Proposals and desire you will please send some of your Members to see the alterations inserted in the said Bill.

8th Jan^y 1768.

Resolved the following Message be sent to the Council, viz^t,

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

Agreeable to your message of this day relative to the Superior and Inferior Court Bills this House have sent M^r Fanning and M^r

Johnston two of the Members of this House to see the alterations by you agreed to inserted in the said Bills.

JNO. HARVEY Speaker

By order W^m. HERRITAGE Clk.

8th January 1768.

Received from the Council the Bill for regulating Ordinaries and restraint of Tipling Houses. Endorsed 8th January 1768, In the Upper House read the second time & pass'd.

On motion Ordered the Bill for establishing a Town in Mecklenburg County be read the third time. Read the same a third time pass'd and ordered to be sent to the Council.

On motion Ordered the Bill concerning Idle & dissolute Persons be read the third time. Read the same a third time pass'd and ordered to be sent to the Council. Sent the above two Bills by M^r Hardy & M^r Spiers.

Then the House adjourned till 10 o'clock tomorrow morning.

Saturday the 9th January 1768.

The House met according to Adjournment.

M^r Hewes from the Committee of Accounts, reported that the said Committee had settled the Public Accounts with the several Accomptants and have received the sum of £2898.9^s 3^d Proc: from Joseph Montford Esq^{re} Treasurer of the Northern District on the sinking fund and also the sum of £4876.0^s 4^d from John Ashe Esq^{re} Treasurer of the Southern District on the sinking fund which sums amount in the whole to £7774.9.7 and by Law is to be burnt.

Resolved the following Message be sent to the Council

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL

The Committee appointed to settle the Public Accounts has reported that the Treasurers of this Province have paid into the said Committee the sum of £7774.9^s 7^d Proc: money on the sinking fund which said sum by Law is to be burnt. This House have therefore appointed a Committee of the whole House in conjunction with such of your Hon^{rs} as you shall appoint to see the said sum burnt at the House of Peter Blinn in New Bern at 4 o'clock this afternoon.

JOHN HARVEY Speaker.

Test W^m. HERRITAGE Clk.

9th January 1768.

Sent by M^r Spencer and M^r James Moore.

Received from the Council the following Bills — viz^t:

The Bill for dividing this Province into six several Districts and for establishing a Superior Court of Justice in each of the said Districts and regulating the Proceedings therein, and for providing adequate salaries for the Chief Justice and Associate Justices of the Superior Courts.

And the Bill to amend and continue the several Acts for establishing Inferior Courts of Pleas and Quarter Sessions in the several Counties in this Province. Endorsed 8th January 1768, In the Upper House read and pass'd with amendments. Ordered to be engrossed.

On motion Ordered the Bill for appointing Sheriffs and directing their duty in Office be read the third time. Read the same a third time amended pass'd and ordered to be sent to the Council. Sent by M^r Howe and M^r Walsh.

Received from the Council the following message, viz^t:

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

On reading a third time the Bill for appointing Jurymen in all Causes Criminal and Civil, We observe you have *deled* the following words in the last Section of the said Bill — viz^t: And from thence to the end of the next Session of Assembly and no longer, which we propose should be *steted*. If you agree thereto please to send some of your members to see the same done to make it consonant with the other Bills pass'd this Session.

9th January 1768.

Resolved the following Message be sent to the Council, viz^t:

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL

In answer to your Message of this day regarding the Bill directing the appointing Jurymen in all Causes Criminal and Civil, we agree to what you therein propose and send M^r Spencer and M^r James Moore two of the Members of this House to see the alteration made.

JOHN HARVEY Speaker

By order W^m. HERRITAGE Clk

9th January 1768.

M^r Cullen Pollock one of the Members for Bertie County appeared and took his seat in the House.

Received from the Council the Bill to appoint a Public Treasurer for the Northern District and other purposes. Endorsed 5th Jan'y 1768, In the Upper House read the third time and pass'd. Ordered to be engrossed.

The Bill to continue an Act entitled an Act for enlarging the time allowed for saving Lotts in the Town of Hertford and other purposes and to establish a Ferry from the Town of Hertford.

The Bill concerning idle and dissolute Persons.

The Bill directing the appointing Jurymen in all Causes Criminal and Civil.

And the Bill for vesting certain Lotts in the Town of New Bern in His Excell^y the Gov^r and his Successors. Endorsed 9th Jan'y 1768, In the Upper House read the third time amended & pass'd. Ordered to be engrossed.

On motion Ordered the Bill to place the roads under the management of Comm^{rs} in the several Counties therein mentioned be read the third time. Read the same a third time. The motion was made and the Question put that the said Bill pass, and pass'd in the negative.

Received from the Council the following Message — viz^t,

MR SPEAKER & GENT^l OF THE ASSEMBLY,

In answer to your Message relative to the burning of the several sums paid into the Committee of Accounts, This House have appointed a Committee of the whole House to see the said sum burnt at the House of Mr Peter Blinn, at the time you mention.

9th January, 1768.

On motion Ordered the Bill to amend the several Acts for regulating the Town of Newbern &c. be read the third time. Read the same a third time amended pass'd and ordered to be sent to the Council.

Sent by Mr Smith and Mr Webster.

On motion Ordered the Bill to prevent the desertion of Seamen in His Majesty's Service be read the second time. Read the same a second time, The motion was made and the question put that the said Bill pass, and pass'd in the negative.

Received from the Council the following Message — viz^t:

MR SPEAKER AND GENT^m OF THE ASSEMBLY,

On reading a third time the Bill for appointing Sheriffs and directing their duty in Office, We observe you have *deled* the penalty of one hundred pounds proc. money on any person refusing to act as Sheriff when thereto appointed and *steted* the penalty of ten pounds only, which we think too small a fine for the purpose intended and therefore in order that Persons of Property may be induced to act we would propose to insert fifty pounds. We also propose to *stet* the clause inserted by this House on the second reading of the Bill relative to the Claims of Sheriffs, If you agree to these amendments please to send some of your members to see them made in the Bill.

9th January 1768.

On motion Ordered the Bill for granting a duty on ships and other vessels coming into this Province &c. be read the third time. Read the same a third time, The motion was made & the question put that the said Bill pass, and pass'd in the negative.

Resolved the following Message be sent to the Council — viz^t:

GENT^m OF HIS MAJESTY'S HON^{ble} COUNCIL,

In answer to your Message of this day relative to the Bill for appointing Sheriffs & directing their duty in Office, this House cannot agree to any of the alterations you propose to the said Bill, and hope you will pass that Bill as sent you from this House on our third reading of the same.

JOHN HARVEY, Speaker

By order W^m. HERRITAGE, Clk.

9th January 1768.

Sent by M^r Kenan & Capt: Cole.

Received from the Council the Bill to amend the several Acts for regulating the Town of New Bern and other purposes therein mentioned. Endorsed 9th January 1768, In the Upper House read the third time and pass'd. Ordered to be engrossed.

M^r Caswell from the Committee of Claims reported that the said Committee had settled and allowed sundry claims which he laid before the House.

Resolved the same be received and read on Monday next.

Then the House adjourned till 10 o'clock Monday morning.

Monday 11th January 1768.

The House met according to Adjournment.

On Motion Ordered the Bill concerning free Negroes be read the second time. Read the same a second time, amended pass'd & ordered to be sent to the Council.

On Motion ordered the Bill to prevent the frequent abuses in taking up and secreting stray horses be read the third time. Read the same a third time amended pass'd & ordered to be sent to the Council.

Sent by Mr Respass & Mr Blinn.

Received from His Excellency the Governor a written message by Mr Edwards — as follows — to wit —

Mr SPEAKER & GENT^m OF THE HOUSE OF ASSEMBLY,

I herewith send you an account and receipts for the sum distributed for the assistance of several Scotch Families that landed in Brunswick in November last to settle in Cumberland County in this Province all which I shall submit to your consideration.

W^m TRYON.

On Motion Ordered the Bill for vacating the titles of certain Persons to three hundred acres of land situate on the Lower part of Cape Fear, and adjoining Fort Johnston &c. be read the third time. Read the same a third time pass'd and ordered to be sent to the Council.

On Motion Ordered the Bill for regulating Ordinaries and restraint of Tipling Houses be read a third time. Read the same a third time amended pass'd and ordered to be sent to the Council.

On Motion Ordered the Bill for rating Gold and Silver Coin and making it a Tender in all payments be read the third time. Read the same a third time amended pass'd and ordered to be sent to the Council.

Sent by Mr Robert Howe & Mr Knox.

Received from the Council the Bill for regulating Ordinaries and restraint of Tipling House.

And the Bill for vacating the Titles of certain Persons to three hundred acres of land situate on the lower part of Cape Fear river & adjoining Fort Johnston &c. Endorsed 11th January 1768, In the Upper House read the third time and pass'd. Ordered to be engrossed.

Mr Elmsley exhibited an account from Owen Kenan for expences when carrying Walter Hickson a Horse Thief to Wilmington paying a guard to assist him and expences &c against the Public amounting to the sum of five pounds and submitted to the House for allowance

On consideration thereof the House resolved the said Owen Kenan be allowed the said sum.

Sent the report of the Committee of Claims to the Council for Concurrence by Mr Jones and Mr Ric^d. Ward.

Then the House adjourned till 10 o'clock tomorrow morning

Tuesday the 12th January 1768.

The House met according to Adjournment.

The House took under consideration His Excellency's message relative to the expence of the Comm^{rs} for running the dividing line between the Frontiers of this Province and the Cherokee hunting Grounds, and resolved the sum of £1215 10s. 2½d. Proc: money the balance due for that service be paid to the several Persons intended to receive the same.

And also the message relative to the re-payment of the sum of £157.10^s.10^d. to His Excellency for the like sum disbursed by him for carrying on a Post through this Province in 1765.

And also the sum of £15. disbursed by His Excellency for the relief and assistance of several Scotch families that were landed in Brunswick in November last to settle in Cumberland County in this Province and resolved that His Excellency be paid the last two several sums.

And that the following message be sent to the Council for their Concurrence.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House herewith send you the resolve thereof of this day relative to the payment of the several sums therein mentioned amounting in the whole to the sum of £1215.10.2½. Proc: money out of the contingent Tax as the same shall be paid into the Treasury and desire your Honors Concurrence thereto.

JNO. HARVEY Speaker

By order

W^m. HERRITAGE Clk.

12th Jan^y 1768.

Received from the Council the Bill concerning free Negroes. Endorsed 11th January 1768, In the Upper House read the second time amended and pass'd.

Received the following message from the Council — viz':

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

On reading a third time the Bill for preventing the frequent abuses in taking up stray Horses &c. We observe that you have *Deled* all the amendments made in this House on the second reading which we by no means agree to however that the Bill may be made serviceable to the Counties for which it is intended to pass We propose to have that clause *steted* whereby the Rangers are directed to send a list of Strays entered with him, to the Clerk of the Inferior Court &c. And that the County of Bladen be struck out of the Bill and the Act to continue in force for two years and no longer to which if you agree please send some of your Members to see the alterations made otherwise we cannot pass the Bill.

8th January 1768.

On motion of M^r Spencer the letter sent by M^r John Crawford as follows—to wit—

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY OF CAROLINA,

Having been chosen representative for the County of Anson at the last election without any desire or seeking and finding it greatly inconvenient and almost impracticable in my constant infirm state of health to represent and serve the said County in the present Assembly I do therefore most humbly relinquish and resign all pretensions in the present Assembly as a Representative of the said County and do request and hope that my resignation and relinquishment hereby made may be accepted by your House, and that the House will address His Excellency the Governor that a new writ of election may issue for choosing another Representative for the said County to serve in this Assembly in my room and stead.

I am, M^r Speaker and Gent^m of the Assembly,

With greatest respect

Your most obedient and most humble servant

JOHN CRAWFORD

Nov^r 15th 1768.

On the back of which said letter is endorsed as follows, viz^t,

Personally appeared M^r Samuel Spencer before me Thomas Clifford Howe Esq^r one of His Majesty's Justices for the said County and made oath on the Holy Evangelists that he saw Mr John Crawford write and sign the within letter the day of the date within mentioned.

SAMUEL SPENCER.

Sworn 12th January 1768 before me

THOMAS CLIFFORD HOWE.

Was taken into consideration, and resolved that the resignation of the said John Crawford be accepted of by the House; and that His Excellency the Governor be addressed to direct the clerk of the Crown to issue a writ to elect a member for the said County to sit and vote in this present Assembly in the room and stead of the said John Crawford.

Sent the following message to His Excell^y the Governor, viz:

SIR,

M^r John Crawford who was at the last election chosen one of the representatives of the County of Anson having relinquished and resigned all his pretentions to a seat in this House this present Assembly in virtue of his said election, This House therefore desire your Excell^y will be pleased to direct the clerk of the Crown to issue a writ for the election of a representative for the said County of Anson in the room & stead of the said M^r John Crawford.

12th January 1768

JOHN HARVEY Speaker

On motion Ordered the Bill concerning free Negroes be read the third time. Read the same a third time, amended pass'd and ordered to be sent to the Council.

Sent by M^r Smith and M^r Respass.

M^r Fanning moved that M^r Speaker provide for himself, the Clerk and Officers of this House and the Council, necessary robes, suitable to their stations and a Mace for this House and the Council at the expence of the Public, to which the House unanimously agreed.

Resolved the following message be sent to the Council—viz:

GENT^l OF HIS MAJESTY'S HON^{ble} COUNCIL,

We have received your message to this House of the 11th instant and are really sorry that the Bill before your Hon^{rs} for preventing

the frequent abuses in taking up stray horses should be thought lyable to so many objections, we, for the sake of facilitating the passage of a Bill which should it pass into [a law] would be productive of the most salutary and wholesome consequences to such parts of this Province as it is designed to be extended, do assent to the *deleing* the name of Bladen County but cannot agree to the proposed Amendments We think it unnecessary to enter minutely into the reasons that might be assigned for our disagreeing to them and hope it will be sufficient to observe that whatever political changes there may be in the Government of this Province yet the casualties and evils that are intended to be guarded against by the Bill will ever occur in a greater or less degree; it seems therefore that if it is expedient that such a law should exist that it should be unlimited in its duration, yet to remove objections we were willing to adopt the prevailing principles of Policy in the present times and to admit of a temporary clause in the Bill and that of a short continuance as many other Laws of a much greater consequence and in their nature lyable to more frequent changes from an alteration of circumstances. Should the amendment for the rangers sending a Copy to the clerks quarterly be received the Bill would then in our opinion be subject to the following objections among many others, that a Duty be enjoined and a penalty inflicted for a neglect without any reward for the performance of that duty, which duty would ever be increasing with the continuance of that office, and further that by the Bill the Person receiving the stray from the Person taking up the same is under no necessity of informing the ranger of the recovery of his Stray consequently after such recovery a service may be done and continued without any benefit or advantage to the owner of the Stray or profit to the ranger, altho' in this Province we have not known the effects nor experienced the utility of such a Law, yet from our knowledge of the beneficial Consequences of a similar one in our neighbouring and sister Colonies, it has long been the object of our wishes. If the Bill in its operation as a Law should be found defective It may be amended, if pernicious and injurious it may be repealed before the time of its continuance should expire, and all this will ever be in the power of the legislature, We hope the Bill will pass with your Hon^r as it left this House with the alterations only of *deleing* the word Bladen.

JOHN HARVEY, Speaker

By order

W^m. HERRITAGE Clerk.

12th January 1768.

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Sent by M^r William Jones & M^r Robert Howe.

Received the following message from His Majesty's Council

M^r SPEAKER & GENT^m OF THE ASSEMBLY,

This House on examining the reports of the Committee of Public Claims find that your House have disallowed a claim of the hon^{ble} Lewis DeRosset for £16 thirteen shillings and four pence. On examining the grounds of that claim we find it was for conveying by virtue of a writ of *habeas corpus* from the then Chief Justice two of the most notorious Horse thieves and rogues under a strong guard for fear of a rescue from Wilmington to New Bern and that it never has been paid by the Public, We likewise find that claim had been formerly laid before the Assembly and that the reason of its not being then allowed was only owing to the doubts they were in whether the Chief Justice had a right to issue or the Sheriff to obey any Precept beyond the bounds of this County, and as this doubt has since been removed by allowances having been made by you to other Sheriffs for the same services, the claim remains at present solely in the right the claimant has to be re-imbursed for his great expence and trouble in performing such Public service and which the distance of time cannot in our opinion alter, We therefore hope your House will re-consider this matter and joyn us in opinion that as an act of common justice and equity the s^d Claim be allowed and your disallowance thereof be erased out of the reports (a point we must insist on) to which if you agree be pleased to send two of your Members to see the same done that we may give our Concurrence to the said reports.

12th January 1768.

Sent the following message to the Council by M^r Willie Jones and M^r Robert Howe.

GENT^m OF HIS MAJESTY'S HON^{ble} COUNCIL.

The House have received your message of this day relative to the claim of the Hon^{ble} Lewis DeRosset disallowed of by this House in the reports of the Committee of Claims the reasons you have assigned which did not occur to us have convinced us of the equity of the claim. We therefore send M^r Robert Howe & M^r Willie Jones two of the Members of this House to see the disallowance thereof erased out of the reports at the same time let us observe

that as messages between bodies of the legislature are calculated in the last resort to settle any differences in opinion Politeness and delicacy of expression ought punctually to be observed between them, with which we could wish your Message had been altogether consistent.

JOHN HARVEY, Speaker.

By order W^m. HERRITAGE Clk.
12th January 1768.

Sent the following Message to His Excellency the Governor by M^r Fanning.

TO HIS EXCELL^y WILLIAM TRYON ESQ^{re} CAPT: GENERAL GOVERNOR &C.

SIR,

This House have taken under consideration your Exc^{ys}' message in relation to the claims of the several persons who escorted your Excell^y in running the dividing line between the Western Frontiers of this Province and the Cherokee Hunting Grounds and have resolved the sum of £1215 10s. 2½d be allowed the Comm^{rs} and the several other persons entitled to receive the same as per account sent to this House by your Excellency and also the sum of £157 18s. 10d. for carrying on a post thro' this Province and £15 Proc: money disbursed by your Excell^y for the relief and assistance of several Scotch families that were landed in Brunswick in November last to settle in Cumberland County out of the Public Treasury from the contingent tax as the same shall be paid into the Treasury.

12th January 1768.

JOHN HARVEY, Speaker.

TO HIS EXCELLENCY WILLIAM TRYON ESQ^{re} CAPT. GEN: GOVERNOR &C.

SIR,

Your Excellency's message of the 4th instant recommending to this House to take some measure to prevent the frequent desertion of seamen from His Majesty's service was immediately taken under consideration and a Bill brought into this House for that purpose, on the reading of which this House was of opinion that the Laws already in force abundantly answered the purposes intended by your Excellency's message, and the Bill was accordingly rejected.

January 12th 1768.

JOHN HARVEY, Speaker.

Received the following message from the Council — to wit —

M^r SPEAKER & GENT^l OF THE ASSEMBLY.

M^r Cornell having applyed to this House for an allowance of forty pounds for the duties of twenty four Hogs^d [of rum] by him shipped to S^c Carolina as appears by a Certificate sworn to before James Davis Esq^r by the master of the Vessel who carried the same of its being landed there, We hope you will take the same under your consideration and make a resolve that it be allowed him in the payment of future duties and this House will concur with the same.

12th January 1768.

Then the House adjourned till 10 o'clock tomorrow morning

Wednesday the 13th January 1768.

The House met according to Adjournment.

Resolved the following message be sent to His Excell^y the Gov^t viz^t

SIR,

In answer to your Excellency's message this House beg leave to inform you that they have taken under consideration M^r Wiley's claim for surveying the Catawba lands and have agreed to allow him fifty pounds for that service out of the contingent fund.

JOHN HARVEY, Speaker.

13th January 1768.

Received from the Council the following message — viz^t

M^r SPEAKER AND GENT^l OF THE ASSEMBLY,

The House taking into consideration your Disallowance last Session of Assembly of one hundred pounds for services of our Clerk during the same should be glad you would re-consider that matter, in which case we hope you will think we must be the best judges of services which pass immediately under our inspection; however to preserve that harmony which we wish always to exist between the two Houses we hope you will allow him the sum of seventy pounds agreeable to our message at the conclusion of the last Session.

13th January 1768.

Resolved the following Message be sent to the Council,

GENT^m OF HIS MAJESTY'S HON^{ble} COUNCIL

This House have taken into consideration your Message of this day relating to the increasing of the allowance made the Clerk of your House for his services the last Session and cannot agree to any additional allowance for the same.

JOHN HARVEY, Speaker.

By order W^m. HERRITAGE Clk.

13th January 1768.

Sent by M^r Harris and M^r Polk.

The House taking into consideration the present distressed situation of this Colony for want of a Currency to answer the purposes of paying their Internal Taxes, and of a medium in Trade —

Resolved that M^r Maurice Moore, M^r Cor^s Harnett and M^r Robert Howe or a majority of them be a Committee of this House in conjunction with such of His Majesty's Council as shall be by them appointed to draw up a Petition to His Majesty for leave to emit a currency to the amount of £75,000 sterling to be equal in value to £100,000 Procl: money to be in circulation sixteen years.

Resolved that the Committee set forth in the Petition to His Majesty as the sense of this House that such Currency shall not by any Bill or Act of Assembly be made or deemed lawful Tender for what now is or may become due or payable to the Crown or to Merchants in Great Britain but that the same shall be made payable at the full sterling value.

Resolved that the Committee do present such Petition to His Excell^y the Governor and request that the same be forwarded in order to be laid before the throne.

Resolved that the Committee likewise request His Excell^y in case of obtaining leave for such emission, in order to prevent counterfeits for the future that he will be pleased to order proper paper, Copper Plates, Presses and other materials necessary for stamping the same and draw on the Public Treasurers for the expence thereof.

M^r Hewes from the Committee of Accounts reported that the Committee had settled the Accounts of the Public Treasurers which he laid before the House, The same were read and concurr'd with by the House and sent to the Council for their concurrence by M^r B. Harvey & M^r Branch.

Resolved the following message be sent to the Council — viz^t:

GENT^m OF HIS MAJESTY'S HON^{ble} COUNCIL,

We herewith send you the resolves of this House relative to the appointment of a Committee to draw up a Petition to His Majesty for leave to emit a Currency; & this House have appointed M^r Maurice Moore, M^r Cor^s Harnett and M^r Robert Howe a Committee thereof for the purposes aforesaid, in conjunction with such of your Hon^{rs} as you shall think proper to appoint.

JNO. HARVEY, Speaker

By order

W^m. HERRITAGE Clk.

13th Jan^y 1768.

Sent by M^r Webster and M^r Gibson.

Resolved the following Message be sent to the Council—

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House on considering your message of this day relative to the duties paid by M^r Samuel Cornell for 24 Hogs^{ds} of rum have resolved that the said Samuel Cornell be allowed the sum of forty pounds (being the sum he paid for the said Duties) in the payment by him of future duties on wine, rum and other spirituous liquors and desire your Honors Concurrence herewith.

JOHN HARVEY, Speaker

By order

W^m. HERRITAGE Clk.

13th January 1768

Sent by M^r Waddell and M^r Johnston.

Then the House adjourned till 10 °Clock tomorrow morning.

Thursday the 14th January 1768.

The House met according to adjournment.

M^r Maurice Moore and M^r John Simpson moved for leave to absent themselves from the service of the House

Ordered they have leave accordingly.

M^r Fanning from the Committee appointed to examine into the state of the Public Funds reported as follows — to wit —

That the said Committee have had recourse to the Public Accounts as settled by the several Committees of Public Accounts since the first emission of Paper Currency in the year 1746 and such other aids and assistances as in their Power to procure for their information into the Public Funds, but that from the great intricacy and

uncertainty of the state of the Public accounts and the Vouchers produced by the former Treasurers; and the want of knowing the exact number of Taxables in the several Counties in this Province since the said first emission of paper Currency are unable to make a report of the state of the Public Funds this Session — The Committee do further report that they think it necessary that the Committee should be continued till the next Session of Assembly for more leisure and better opportunities of information.

The Committee further report that without an exact list of the number of Taxables in this Province in each year since the emission of Paper Currency aforesaid it will be utterly impossible to make a just and true report of the present state of the Public Funds.

On motion Ordered Mr Hewes be added to the said Committee and that the said Committee be continued till the end of the next Session of Assembly; and also that they have power to send for Persons, Papers and records for their information into the state of the Public Funds.

Resolved the following Message be sent to the Council

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL

This House have unanimously resolved that the Speaker of this House provide for himself, the Clerk of this House and Officers thereof and also for the Clerk and Officers of the Council necessary Robes suitable to their station, and a mace for each House at the expence of the Public and desire your Honors Concurrence thereto.

JOHN HARVEY, Speaker

By order W^m. HERRITAGE Clk.

14th January 1768.

Sent by Mr Fanning and Mr Waddell.

Received from the Council the Resolve of this House relative to the allowances of the several sums mentioned in the Resolve of this House of the 12th instant. Endorsed 14th January 1768, In the Upper House concurred with.

JAS. HASELL, P. C.

Received from the Council the Reports of the Committee of Accounts; and also that of the Committee of Claims. Endorsed 14th January 1768, In the Upper House concurred with.

JAS. HASELL, P. C.

Received from the Council the following message (to wit)

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

We are very sorry to find by your Answer to our message of yesterday that you have not agreed to our allowance of seventy pounds to our Clerk for his services last Session, We should be glad you would reconsider the justice thereof and allow it, That all the disputes that may arise on that subject between the two Houses may be prevented and this Session be concluded with that Harmony we should always wish to subsist between the several Branches of the Legislature.

14th January 1768.

Resolved the following message be sent to His Excellency the Governor — viz^t

TO HIS EXCELL^y WILLIAM TRYON ESQ^r CAPT. GEN. GOV^r &c.
SIR,

We send your Excellency a resolve of this House with which the Council have concurr'd for allowing M^r Cornell his claim of forty pounds for the duty paid by him on twenty four hogs^d of rum that were exported out of the Country and request your Excell^y's Concurrence herewith.

JOHN HARVEY, Speaker.

14th January 1768.

Sent by M^r Robert Howe & M^r Jos. Hewes.

Resolved the following message be sent to the Council.

GENT^m OF HIS MAJESTY'S HON^{ble} COUNCIL.

This House have re-considered your message relating to the allowance made your Clerk at the last Session and should be extreamly sorry that any matter might interrupt the good understanding and harmony that has hitherto subsisted between the two Houses but cannot recede from our resolution of yesterday on that subject.

JOHN HARVEY, Speaker

By order W^m HERRITAGE Clk.

12th January 1768.

Sent by M^r Fanning & M^r Waddell.

Resolved the following message be sent to His Excellency the Governor — viz^t

TO HIS EXCELL^y WILLIAM TRYON ESQ^m CAPT: GEN: GOV' &C.
SIR,

This House herewith send your Excellency the reports of the Committees of Accounts and Claims concurr'd with by His Majesty's Council and this House desire your Excellency's Assent thereto.

14th January 1768.

JOHN HARVEY, Speaker.

Received from the Council the following message — viz^t —

M^r SPEAKER AND GENT^m OF THE ASSEMBLY,

This House taking into consideration your message relative to the appointment of a Committee to draw up a Petition to His Majesty for leave to emit a Currency have appointed the Hon^{ble} John Rutherford and Lewis DeRosset Esq^m a Committee of this House to joyn the Gent^m by you appointed for that Purpose.

14th January 1768.

Then the House adjourned till 10 o'clock tomorrow morning

Friday 15th January 1768.

The House met according to Adjournment.

Received from the Council the message sent them from this House of yesterday relative to M^r Speaker finding robes &c. for himself, the Clerks of both Houses and Officers thereof. Endorsed 15th January 1768, In the Upper House Concurred with —

JAS. HASELL P. C.

Resolved the following message be sent to His Excellency the Governor — viz^t —

TO HIS EXCELL^y WILLIAM TRYON ESQ^m CAPT. GEN. GOV' &C.
SIR,

This House herewith send your Excellency a resolve thereof relative to the providing the Speaker thereof and Clerk, the Clerk of the Council and Officers of both Houses necessary robes &c. and that the same be paid for by the Public to which His Majesty's Council have concurr'd & desire your Excellency's assent thereto.

15th January 1768.

JOHN HARVEY, Speaker.

Sent by M^r Willie Jones & M^r Jos. Hewes.

Received from His Excell^y the Governor the following message with the Papers &c. therein mentioned by M^r Edwards.

M^r SPEAKER & GENT^m OF THE ASSEMBLY,

I herewith send you the several resolves that accompanied your Message to me of yesterday viz^t

For the sum of £1215.10.2½ allowed for the expence incurred in running the dividing line between the Western Frontiers of this Province & the Cherokee Hunting Grounds.

For the sum of £157.18.10 disbursed by me for carrying on a Post thro' this Province & also the sum of fifteen pounds for the relief & assistance of several Scotch Families.

For the sum of forty pounds to Samnel Cornell Esq^{re} for the purpose mentioned in this resolve.

For an appointment of a Capt. Commandant & ten men to Garrison Fort Johnston.

I also send you the Reports of the Committees of Accounts and Claims all which reports & resolves I have approved of.

January 16th 1768.

W^m. TRYON.

It appearing to the House that there is still due on Acc^t: of the Parliamentary Grant to this Province in the hands of James Abercrombie, Samuel Smith and Couchett Jouvencil the sum of £1600 and upwards,

Resolved that Joseph Montford and John Ashe Esq^{rs}, Treasurers, be empowered at the expence of the Public to sue for and recover the same, and that they appoint one or more sufficient Attorney or Attornies in London for that purpose, and on the recovery and receipt thereof that they pay to the said Couchett Jouvencil the arrears of Salary due to him as agent of this Province and the Balance after deducting the charges and expences of recovering the same be applied to the contingent charges of Government.

Sent the Estimate of allowances to the Members and others this Session to the Council for Concurrence by M^r Spier and M^r Blinn.

Resolved the following Message be sent to the Council — viz^t:—

GENT^m OF HIS MAJESTY'S HON^{ble} COUNCIL,

The above is a resolve of this House of this day and desire your Hon^{rs} Concurrence thereto.

JOHN HARVEY, Speaker.

By order W^m. HERRITAGE Clk.

15th January 1768

Sent by M^r Montford & M^r James Moore.

Received from His Excell^y the Governor the resolve sent him this day relative to the Speaker providing robes &c. Endorsed 15th January, 1768. Approved of W^m. TRYON.

Also received from His Excellency the following message — viz^t:

M^r SPEAKER & GENT^m OF THE ASSEMBLY,

Agreeable to your message to furnish robes for the Speaker and other Officers of both Houses of Assembly, I return you the resolve assented to. W^m. TRYON.

Received from the Council the Estimate of allowances to the Members of this House and others Endorsed 15th January 1768, In the Upper House Concurred with. JA^s. HASELL, P. C.

Then the House adjourned till 4 o'clock afternoon.

P. M. The House met according to Adjournment.

Received from the Council the resolve of this day sent them relative to the direction of the Treasurers suing for the sum due the Public from James Abercrombie, Samuel Smith and Couchett Juvencel Esq^{rs} &c. Endorsed 15th January 1768, In the Upper House Concurred with. JA^s HASELL, P. C.

Resolved the following message be sent to His Excellency the Governor — viz^t: —

TO HIS EXCELL^y WILLIAM TRYON ESQ^{re}, Capt: GEN: GOVERNOR &C.
SIR,

This House herewith send your Excell^y a resolve thereof of this day relative to the Treasurer bringing suit against the Persons therein mentioned who have the Public monies in their hands in England &c, Which resolve is concurr'd with by His Majesty's Council and desire your Excellency's Assent thereto.

15th January 1768.

JOHN HARVEY, Speaker.

Sent by M^r Blinn & M^r Knox.

His Excellency the Governor sent a verbal message to this House by M^r Burgwin requiring the immediate attendance thereof in the Council Chamber with the Engrossed Bills.

Mr Speaker with the House waited on His Excellency in the Council Chamber with the following Bills and presented them to him for his Assent— viz:—

The Bill for dividing the Province into six several Districts.

The Bill to amend and continue the several Acts for establishing Inferior Courts of Pleas and Quarter Sessions &c

The Bill directing the method of appointing jurymen &c.

The Bill for appointing Sheriffs &c.

The Bill to appoint a Public Treasurer &c.

The Bill for regulating the Inspection of Tobacco &c.

The Bill for vacating the Titles of certain persons to three hundred acres of land situate in the lower part of Cape Fear and adjoining Fort Johnston &c.

The Bill to continue an Act entitled an Act for enlarging the time of saving Lotts in the Town of Hertford &c.

The Bill for regulating Ordinaries &c.

The Bill for vesting certain Lotts in the Town of Newbern in His Excellency the Governor and his Successors.

The Bill for defraying the Contingent Charges of Government.

The Bill for an Additional Act to an Act for erecting a convenient Building within the Town of New Bern for the residence of the Governor or Commander in Chief for the time being.

The Bill for building a Public Gaol and Gaoler's House for the District of Newbern in the Town of Newbern.

The Bill to amend an Act intituled an Act for facilitating the Navigation of Port Roanoke, Port Bath and Port Beaufort.

The Bill for erecting in the Town of Salisbury a Public Gaol Pillory and Stocks for the District of Salisbury &c.

The Bill for annexing part of Northampton County to the County of Bute.

The Bill to amend the several Acts for regulating the Town of New Bern.

The Bill for laying out a Public Road from the Frontiers of this Province through the Counties of Mecklenburg, Rowan &c.

The Bill to impower the Justices of Currituck County to build a Prison, Pillory and Stocks in the said County &c.

The Bill for establishing the Vestry elected in the Parish of St Stephen in Johnston County.

The Bill for destroying Crows and Squirrells &c.

The Bili to continue the Acts therein mentioned.

The Bill to amend an Act intituled an Act to encourage Persons to settle in the Town of Brunswick &c.

The Bill concerning idle and dissolute Persons.

The Bill for establishing a Town on the land of William Gray on Cashy river in Bertie County.

The Bill for appointing an Inspector for the Great Island opposite Wilmington.

The Bill to amend an Act entitled an Act for the regulation of the Town of Wilmington.

The Bill for establishing Public Warehouses in the Town of Halifax and Campbellton.

To all which His Excellency was pleased to assent except the Bill to amend the several Acts for regulating the Town of New Bern and for other Purposes therein mentioned, which his Excellency was pleased to reject.

And then made a speech to His Majesty's Council and this House, a copy of which to prevent mistakes M^r Speaker obtained; and being returned laid the same before the House.

Ordered the same be read — Read the same as follows — to wit —

GENTLEMEN OF HIS MAJESTY'S HON^{ble} COUNCIL M^r SPEAKER AND
GENTLEMEN OF THE ASSEMBLY,

I congratulate you on the happy issue to this Session, at the same time that I thank you for the Particular attention you have paid to the several considerations I have referred to you in the course of it.

I must own I regret that no provision is made for a supply of ammunition for the defence of this Province, however upon your further deliberation of the real necessity of such a Provision, I rest in full confidence that a Powder Duty will be obtained at your next meeting.

I have only to add I shall exert my utmost endeavours that the liberality of your vote for finishing the Edifice may be applied to the best advantage, as also to direct every Public measure within my sphere to the prosperity of this Government, and the felicity of its Inhabitants.

W^m. TRYON.

Then the House adjourned till 10 o'clock tomorrow morning

Saturday the 16th January 1768.

The House met according to Adjournment.

Received from His Excellency the Resolve of this House sent to him yesterday, relative to the Treasurers suing the Persons therein mentioned who have the money due to this Province in their hands in London. Endorsed. Approved of. W^m. TRYON.

And also the following Message — viz^t:—

MR SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

In Answer to your Message of yesterday I am to acquaint you I have assented to your Resolve to empower the Public Treasurers to sue for the sums of money due to this Province from the Persons therein mentioned. At the same time I request the Treasurers may be directed not to commence suit against M^r Smith until they receive advice from me, as I apprehend the same may be settled without that trouble and expense. W^m. TRYON.

Resolved the House agree to the above Message.

Then the House adjourned till 4 o'clock afternoon at which time His Excellency was pleased by Proclamation to prorogue this Assembly to the 31st day of May next to be then held at New Bern.

True Copy.

Test

W^m. HERRITAGE Clk.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to the Bishop of London

NEWBERN 15th Jan^r 1768.

As your Lordship expressed your desire to receive testimony from me of such young gentlemen as went over to England from this colony with a view to enter into holy orders I am to present to you Mr Burgess and Mr Johnston for ordination.

The inclosed letter from Mr Burgess' father (a clergyman of worth and much respected) will give you the truest picture of the characters of these two young candidates.

I must therefore request that your Lordship, will be graciously pleased to grant them ordination orders, and obtain for them Queen Ann's bounty and such other indulgence as in your known humanity, shall be agreeable to you.

I am, my Lord, &c^s

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

Know all men by these presents that we Joseph Montfort & Alexander McCulloch & John Campbell—are held and firmly Bound unto our Sovereign Lord the King his Heirs & Successors, in the sum of Ten thousand pounds lawfull Money of Great Britain, for the payment of which We bind ourselves, our Heirs Executors & Administrators firmly by these presents, Sealed with our Seals & dated this fifteenth day of January in the year of Our Lord 1768.

The Condition of the above obligation is such that whereas the above nam'd Joseph Montfort is Appointed Public Treasurer of the Northern District of this Province by Act of Assembly Ratified the day of the date of these presents, if therefore the said Joseph Montfort shall diligently & faithfully collect from the Respective Sheriffs Receivers & Collectors of Duties, & other persons chargeable with public monies within his said District, & well & truly Account for & pay to the General Assembly of this Province when thereto requir'd, all public monies which he now hath, or hereafter shall Receive, & faithfully & Regularly discharge the Duties of his said Office, then the above Obligation to be void, otherwise to remain in full force & Virtue.

JOS. MONTFORT [Seal]

ALEX^r McCULLOCH [Seal]

JN^o CAMPBELL [Seal]

Sealed & delivered in presence of

JA^o HASELL

ALEX^r ELMSLY

[B. P. R. O. A. & W. I. N. C. No. 216.]

[REGULATORS' ADVERTISEMENT N^o. 4.]

We the under written subscribers do voluntarily agree to form ourselves into an Association to assemble ourselves for conferences for regulating publick Grievances & abuses of Power in the following particulars with others of like nature that may occur

1. That we will pay no Taxes until we are satisfied they are agreeable to Law and Applied to the purposes therein mentioned unless we cannot help and are forced

2. That we will pay no Officer any more fees than the Law allows unless we are obliged to it and then to shew a dislike to it & bear open testimony against it.

3. That we will attend our Meetings of Conference as often as we conveniently can or is necessary in order to consult our representatives on the amendment of such Laws as may be found grievous or unnecessary and to choose more suitable men than we have heretofore done for Burgesses and Vestry men and to Petition His Excellency our Governor the Hon^{ble} the Council and the Worshipful House of representatives His Majesty in Parliament &c. for redress of such Grievances as in the course of this undertaking may occur and to inform one another & to learn, know and enjoy all the Privileges & Liberties that are allowed us and were settled on us by our worthy Ancestors the founders of the present Constitution in order to preserve it in its ancient Foundation that it may stand firm & unshaken.

4. That we will contribute to Collections for defraying necessary expences attending the work according to our abilities.

5. That in Cases of differences in Judgment we will submit to the Majority of our Body.

To all which We do solemnly swear or being a Quaker or otherwise scrupulous in Conscience of the common Oath do solemnly affirm that We will stand true and faithful to this cause until We bring them to a true regulation according to the true intent & meaning of it in the judgment of the Majority.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

COUNCIL JOURNALS.

At a Council held at Newbern 13th January 1768 —

Present

His Excellency the Governor

| | | | | | |
|------------|---|----------------------------------|------------------|---|----------|
| The Honble | { | James Hasell | William Dry | } | Esquires |
| | | John Rutherford | Robert Palmer | | |
| | | Lewis DeRosset | Benjamin Heron | | |
| | | John Sampson | and | | |
| | | Alexander M ^c Culloch | Samuel Strudwick | | |

His Excellency was pleased to lay before this Board two orders from His Majesty in Council dated 26th day of June last past —

It is the unanimous opinion of this Board that his Excellency will be pleased to order two proclamations to issue notifying the same, and it is ordered the said Proclamation issue in the following words, Viz^t—

NORTH CAROLINA—Ss.

By His Excellency William Tryon Esquire &c.

A Proclamation.

Whereas I have had transmitted to me by the Earl of Shelburne, an order from his Majesty in Council dated 26th day of June last repealing three Acts of Assembly in this Province in 1764 and 1765 intituled as follows— Viz^t

“An Act for the more effectual suppressing of Felonys and Punishment of Counterfeiters of the Paper Currency of this Province and Virginia

“An Act for rendering more effectual the laws making Lands and other Real Estates liable to the Payment of Debts,

“An Act for confirming the Title of William Dry Esq^r to certain Lands therein mentioned,”

I have therefore thought proper by and with the advice and consent of his Majestys Council to issue this Proclamation to notify the repeal of the same and the said three Acts from thenceforth are hereby repealed declared void and of none effect,

Given under my hand and the Great Seal &c.

WILLIAM TRYON.

NORTH CAROLINA—Ss.

By His Excellency William Tryon Esquire &c.

A Proclamation

Whereas I have had transmitted to me by the Earl of Shelburne, an order from his Majesty in Council dated 26th June last, confirming, an Act passed in this Province in May 1765 Intituled — An Act for establishing an Orthodox Clergy.

I have thought proper by and with the advice and consent of his Majesty's Council to issue this Proclamation to notify the same, and that the said Act is thereby Confirmed, Finally enacted and ratified accordingly.

Given under my hand and the Great Seal &c.

W^m. TRYON.

At a Council held at Newbern 15th January 1768.

Present.

His Excellency the Governor

| | | | | | |
|------------|---|-----------------|---------------------|---|-----------|
| The Honble | { | James Hasell | Alexander McCulloch | } | Esquires. |
| | | John Rutherford | William Dry | | |
| | | Lewis DeRosset | Robert Palmer and | | |
| | | John Sampson | Benjamin Heron | | |

His Excellency laid before this Board a draft of a Proclamation to prevent the abuses in Clerks of the Inferior Courts by signing and directing Marriage Licenses and the Justices Marrying under such Licenses the same was approved of, and ordered a Proclamation issue in the following Words —

BY HIS EXCELLENCY WILLIAM TRYON ESQ, HIS MAJESTY'S CAPTAIN GENERAL GOVERNOR AND COMMANDER IN CHIEF IN AND OVER THE SAID PROVINCE

A Proclamation —

Whereas, by an Act of the General Assembly passed in the year 1741 Intitled An Act concerning of Marriages it is among other things, Enacted that all Marriage Licences shall be issued under certain Rules and directions, therein mentioned by the Clerk of the County wherein the *Feme* has her usual Residence and be signed and directed by the first Justice in the Commission of the peace for the County or by a Person Commissioned by the Governor for that purpose, which power to a Justice for signing and directing of Marriage Licences Has since been thought improper as having a tendency to elude the payment of the just and legal fees to the Governor on Marriage Licences and accordingly the General Assembly in 1766 by an amendatory Act to the former and in the Repealing Clause thereof hath repealed that part of the Clause in the Act passed in 1741 which gave a power to a Justice for to sign and direct Marriage Licences, And in an enacting clause vested that power solely in the Governor and inflicted the penalty of fifty pounds on any Minister or Justice of the Peace who should celebrate or solemnize the rites of Matrimony between any person whatsoever in this Province by a Licence unless such Licence should be under the hand and seal of the Governor or Commander in Chief for the time being — Notwithstanding all which many Justices have of late taken upon themselves to sign and direct marriage licences, I sup-

pose and would willingly hope, not from a contempt of Law, but from an erroneous construction of the provisionary clause in the Amendatory Act which gives a power to the Clerks when unsupplied with Blank Marriage Licenses to write Licenses under the same Regulations and Restrictions as directed and prescribed by the Act made in 1741, but gives no power to any Justice or other Person to sign and direct the Licenses when so wrote and certified by the Clerk but under the Authority and by the direction of the preceeding and enacting clause are to be signed and sealed by the Governor and Commander in Chief.

In order therefore to correct this mistake and to prevent such injurious Practices to the public for the future—I have thought fit by and with the advice and consent of his Majestys Council to issue this my Proclamation hereby prohibiting and forbidding each and every Justice and Clerk of any Inferior Court in this Province hereafter to sign or direct (unless under my hand and seal) any Marriage Licence And whereas many Clerks have failed to apply to me for blank Marriage Licences, and it being almost impracticable at all times to send blanks to each of the Clerks of the several Counties within this province—I take this method of informing them that if it is inconvenient for them personally to apply to me they may be supplied with any number of blank Marriage Licences by any Person who at their request under their hand shall apply to me for such Blanks—I am prompted both from duty and inclination to make it as convenient as possible to such clerks as may not have it in their Power to apply or send to me for blank Marriage Licences, and therefore for the ease and conveniency of such as well as others I have given orders to my Secretary that a number of blank Marriage Licences be lodged with some person who shall be made known in the District of each Superior Court in this Province to whom the Clerks in the Respective districts may with great Facility furnish themselves with any number of Blanks they choose to take, and I expect they will think themselves bound in Honour annually at the time by Law appointed to Account to me for all fees they may Receive on my behalf as it would be exceedingly disagreeable to me to be compelled to have recourse to law to inforce a settlement.

Given under my hand and the Great Seal of the said Province at Newbern 16th Jany: in the Eighth year of his Majestys Reign 1768

W^m. TRYON.

The Business of the present Session of Assembly being concluded His Excellency proposed to prorogue the General Assembly tomorrow morning to Tuesday the 31st of May next then to meet at Newbern and desired the opinion of this Board thereon — It is the unanimous opinion of this Board that the General Assembly be prorogued accordingly and that a proclamation issue to notify the same, Viz^t

A Proclamation,

Whereas the Business of this present Session of Assembly is now finished — I therefore think fit by and with the advice and consent of his Majestys Council to prorogue the said Assembly till Tuesday the 31st May next then to meet at Newbern for the dispatch of Public business and the said Assembly is prorogued accordingly.

Given under my hand &c

W^m. TRYON.

[B. P. R. O. NO. CAROLINA. B. T. VOL. 16.]

AT THE COURT AT S^t JAMES'S
the 1st of February 1768.

Present

The Kings most Excellent Majesty in Council.

WHEREAS Henry McCulloh hath by Memorial to His Majesty at this Board, on behalf of himself, George Augustus Selwyn, Henry Eustace McCulloh and John Campbell, his Associates in Interest, in several Grants of Land, in the province of North Carolina, set forth, That a Charge of Quitrents, hath been made against him, and his said associates, upon the Escheated Lands, in the said province, Surrendered to His Majesty, but the Memorialist humbly conceives, that by His late Majestys Order in Council dated the 13th of October 1756 and also by a Subsequent order in Council dated the 14th of October 1762 they were only to pay in right of Settlement effected; That a doubt having arisen upon the Construction of the said Order in Council of the 14th of October 1762, It was insisted, that the Memorialist and his said Associates, should pay Quit Rents for the Escheated Lands from March 1760, till April 1767, (the time of the Surrender) That the Memorialists Agent did therefore in April 1767, Enter into a Bond to the Crown, in the

penalty of a very considerable sum to abide by His Majestys will and pleasure respecting the said order in Council; And humbly praying in behalf of himself and his said associates that the Intentions of the Orders in Council of 1756 and 1762 may be carried into Execution by directing the aforementioned Bond entered into to abide by His Majestys Determination as to the Quit Rents of the Escheated Lands surrendered, to be Cancelled, and to order that the Memorialist and his said associates, and the Tenants holding in Fee under them, shall not at any time be liable to pay Quit Rents, for any of the Lands contained in their respective Grants than such proportion thereof as are reserved to them respectively in right of Settlement on the Surrenders — His Majesty taking the same into Consideration and having received the opinion of a Committee of the Lords of the Council thereupon — is hereby pleased, with the advice of Privy Council to Order and Direct that the Memorialist and his said Associates, and the Tenants holding in Fee under them shall not be at any time lyable to pay Quit Rents for the Escheated and Surrendered Lands, and that the said Bond entered into by the Memorialists Agent to the Crown on that Account be Cancelled and delivered up — Whereof the Governor or Commander in Chief and the Receiver General of the said province of North Carolina, for the time being, and all others whom it may concern, are to take Notice and Govern themselves accordingly.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

Know all Men by these Presents That we Ambrose Cox Bayley of Craven County in the Province of North Carolina Gentleman, William Herriage and Richard Caswell both of Dobbs County in the Province aforesaid Gentlemen are held and firmly Bound unto our Sovereign Lord George the Third by the Grace of God of Great Britain France and Ireland King Defender of the Faith and so forth in the Sum of Two Thousand Pounds Sterling to be paid to the said Lord the King his Heirs or Successors to which Payment well and truly to be paid We bind ourselves and every of us by himself for the whole our and every of our Heirs Executors and Administrators firmly by these Presents Sealed with our Seals Dated the first Day

of February in the year of our Lord One Thousand Seven Hundred and Sixty Eight.

Whereas the above bound Ambrose Cox Bayley by Commission under the Hand and Seal of Martin Howard Esq^r Chief Justice of the Province aforesaid bearing even Date with these Presents hath been appointed Clerk of the Superior Court of Justice of and for the District of Newbern If Therefore the said Ambrose Cox Bayley shall and do during his continuance in the said office well and truly keep all the records Papers and Writings committed to his care and charge as Clerk of the said Court and shall in all things relating to the Duty of Clerk of the said Court well, truly Honestly and faithfully demean himself then the above written obligation to be void and of no effect otherwise to remain in full force and virtue.

AMB. COX BAYLEY, [Seal]

W^m. HERRITAGE [Seal]

R^d. CASWELL [Seal]

Sealed and delivered in the Province of North Carolina in the presence of us.

SIMON BRIGHT Jun^r.

ELIZABETH ^{Her}X CANNADAY
Mark.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Earl Shelburne.

NEWBERN the 2^d February 1768.

I have the honor to transmit to your Lordships the Resolves of his Majesty's Council and Assembly of this province passed the last sessions of Assembly with the petition of a committee of the Council and Assembly, in virtue thereof praying his Majesty's most gracious permission to emit a currency, for the purposes therein mentioned with the letter of request that I would forward the petition and resolves in order to be presented to his Majesty.

The intention of the second resolve appears to coincide with an instruction from his late Majesty to Governor Dobbs, given at the Court at Kensington the ---- day of ----- 1759 relative to the injuries the merchants of Great Britain experienced by the emissions of currency in this colony in 1748 & 1754.

I am persuaded should this resolve not be found so comprehensive

as the royal instruction, the legislative body here would be willing to guard against every prejudice that may accrue, either to his Majesty's interest or the merchants of Great Britain, by the emission of the currency now petitioned for.

I shall take the liberty, my Lord, to represent to you two or three causes of the inconveniences I think this country is subject to, for want of a greater medium of trade. The distresses, the public in general, and many families in this colony in particular experience, proceed in some measure from the receivers of the public taxes being frequently under an obligation to distrain on the effects of the inhabitants for the taxes to be levied in support of the expences of government: These effects put up to sale, cannot always purchase money, from its scarcity, sufficient to answer the taxes demanded, yet perhaps by their sale the owner will be greatly distressed if not ruined. Suits of creditors have the same operation, on those in debt to them, who cannot by their property raise cash to discharge their obligations. Actions also commenced by the Receiver General of his Majesty's quit rents for the arrears of quit rents, would have a similar effect on the poorer inhabitants from similar causes.

The mischiefs that arise from the counterfeited proclamation bills now fraudulently circulating in the country (the evils of which I pointed out in my speech at the last session of Assembly) would cease if a new currency were to be emitted and issued, as the remainder of proclamation money now out would be immediately called in.

Under these circumstances, and in compliance to the request of the two bodies of the legislature of this government, I humbly beg leave, by your Lordships good offices, to lay before his Majesty the Resolves and Petition both of the Council and Assembly of this province, herewith transmitted, submitting them to his Majesty's royal will and pleasure,

Should his Majesty in his wisdom move his Parliament for the emission of currency prayed for and grant his royal license for the same I have sent instructions to Messrs Drummond to prepare copper plates and other materials agreeable to the Resolve of the Council and Assembly, at the same time directing Messrs Drummond to show their instructions to your Lordship, when required, and to conform to such alterations and regulations as shall be made to them, either by your Lordship or the Lords Commissioners for Trade and Plantations

Letter from Governor Tryon to Messrs Drummond & Co.

NEWBERN the 2^d Feb^y 1768.

The Council and Assembly of this province having petitioned his Majesty for his royal license for an emission of one hundred thousand pounds proclamation paper currency to be equal in value to seventy five thousand pounds sterling and have also concurred in a Resolve in the following words.

Resolved, that the committee likewise request his excellency in case of obtaining leave for such emission, in order to prevent counterfeits for the future that he will be pleased to order proper paper, copper plates, presses and other materials necessary for stamping the same, and draw on the public treasurers for the expence thereof

I am therefore to request of you, as a most particular favor, that you will with all diligence, should the said petition meet with his Majesty's royal assent, order the paper as directed in the Resolve with plates for stamping of bills in proclamation value agreeable to the following rates and denominations, Viz.

First plate of three pence — second, six pence — third, one shilling — fourth, two shillings and six pence — fifth, five shillings — sixth, ten shillings — seventh, fifteen shillings — eighth, twenty shillings — ninth, thirty shillings — tenth, two pounds — eleventh, three pounds — twelfth, five pounds — and thirteenth, ten pounds. The paper and other materials I must leave to your discretion, only I should wish to have the words, *North Carolina* stamped in the making of the paper on the reverse side of it, at least on that sort for the bills of the highest denomination.

I send you several bills now in circulation here distinguishing the good bills from the counterfeit, Regard must be had to the strength of the paper on which the bills of lesser note are to be struck, but of this and every thing else I leave to your judgment, provided however that you wait on his Majesty's principal Secretary of State and the Lords Commissioners for Trade and Plantations with this commission and conform to all such alterations and regulations as they may direct.

If this plan succeeds I should be glad to have sent with the above materials a proper strong treasurer's chest with three good locks and keys, its contents need not be over large but proportioned to the surplusages of this government upon the emission of this new intended

currency. If by your ingenuity this currency, should it have an existence, can be put out of the knavery of counterfeits you will render an essential service to the inhabitants of this province who have felt the ruinous effects of the counterfeit currency. The full costs and charges of this commission and expences you will please to transmit to me with the implements and materials herein conditionally ordered.

I am, gentlemen, &c.

Petition to the King from a Committee of both Houses of the Assembly of N^o. Carolina.

TO THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL

The Petition of a Committee of both Houses of Assembly in the Colony of N. Carolina.

Humbly Sheweth,

That by the Resolves of both Houses of Assembly your Petitioners have been appointed to represent to your most sacred Majesty the present distressed situation of this Colony, for want of a currency to answer the purposes of paying their internal Taxes, and for a medium in Trade.

The paper currency at present circulating will this year be due and payable to the Publick, when the distresses of the poor inhabitants of this Colony will be inexpressible, as they will not have wherewith to pay the internal Taxes, and other considerable debts, neither is it in their power by any of the produce of their lands to obtain Gold and Silver to answer any of those purposes.

We beg leave to represent as the sense of both Houses of Assembly that they will not by any Bill or Act of Assembly make any currency to be a lawful Tender for what now is, or may become due or payable to the Crown, or to Merchants or others residing in Great Britain, but that the same shall be made payable at the full sterling value.

Your Petitioners do most humbly pray your most sacred Majesty, that you will be graciously pleased to grant the Royal Licence for emitting in this Colony to be current for the term of sixteen years the sum of one hundred thousand pounds Proclamation money, not exceeding the value of seventy five thousand pounds sterling, which

will not be more than seven shillings sterling for each person in the Colony or grant such other relief as may be thought proper.

And your Petitioners as in duty bound will ever pray &c.

MAURICE MOORE
CORN. HARNETT
ROBT. HOWE
JOHN RUTHERFORD
LEWIS DEROSSET.

North Carolina 16th January 1768.

Resolutions of the Assembly, and concurrence of the Council, of N^o. Carolina.

This House taking into consideration the present distressed situation of this Colony, for want of a currency to answer the purposes of paying their internal Taxes, and of a medium in Trade.

Resolved that M^r Maurice Moore, M^r Cornelius Harnett, and M^r Robert Howe, or a majority of them be a Committee of this House, in conjunction with such of His Majesty's Council as shall be by them appointed, to draw up a petition to His Majesty, for leave to emit a currency to the amount of £75,000 sterling, to be equal in value to £100,000 Proclamation money, to be in circulation for sixteen years.

Resolved that the Committee set forth in the Petition to His Majesty, as the sense of this House, that such currency shall not by any Bill or Act of Assembly, be made or deemed a lawful Tender for what now is, or may become due, or payable to the Crown, or to merchants in Great Britain, but that the same shall be made payable at the full sterling value.

Resolved That the Committee do present such petition to his Excellency the Governor, and request that the same be forwarded in order to be laid before the throne.

Resolved That the Committee likewise request his Excellency in case of obtaining leave for such emission, in order to prevent counterfeits for the future, that he will be pleased to order proper paper, copper plates, presses, and other materials necessary for stamping the same, and draw on the Publick Treasurers for the expence thereof.

JOHN HARVEY, Speaker.

Test: W^m. HERRITAGE Clk. of the Assembly.

15th January 1768. In the Upper House concurred with and this House have appointed the Hon^{ble} John Rutherford and Lewis Henry DeRosset Esq^r to join the Gentlemen appointed by the Assembly for a Committee to draw up and sign the Petition to His Majesty and present the same to his Excellency to be by him transmitted agreeable to the above Resolves.

JA^s. HASELL, P. C.

By order

Jno. BURGWIN, Clk.

Address of a Committee of both Houses of Assembly of North Carolina to Gov^r Tryon.

MAY IT PLEASE YOUR EXCELLENCY,

As a Committee of both Houses of Assembly, we request the favour of your Excellency, to forward our Petition, and the Resolves herewith delivered, in order to the same being presented to His Majesty for the royal license for emitting of currency.

We also beg leave to request of your Excell^y that you will be pleased more particularly to state the distress of this Colony, partly occasioned by counterfeit money, and for want of a sufficiency of good paper currency or other medium of Trade amongst us.

And we hope from His Majesty's paternal care of His Subjects, that he will be graciously pleased to grant our request, in which case your Excellency will please to order from England copper plates, presses and all materials for the stamping of such currency; and for defraying the expence thereof, to grant a warrant to the Treasurers or either of them for payment thereof.

MAURICE MOORE
CORN. HARNETT
ROB^t HOWE.

JOHN RUTHERFORD
LEWIS DEROSSETT

[FROM MS. RECORDS IN OFFICE OF THE SECRETARY OF STATE.]

Know all Men by these presents that We Wyrriott Ormond and The Honourable Robert Palmer both of Beaufort County in the Province of North Carolina Esq^{rs} are held and firmly bound unto our Sovereign Lord George the third King of Great Britain &c in the Sum of Five hundred pounds proclamation money to be paid to his said Majesty his heirs and Successors to the which payment

well and truly to be made We bind ourselves and each of us our heirs Exors and Admrs jointly and severally firmly by these presents Sealed with our seals and Dated this 3^d day of February Anno Domini 1768

The Condition of the above Obligation is such that Whereas the the above Bounden Wyriott Ormond is Appointed Receiver of the duties on Spirituous Liquors for the Port of Bath in the Province afs'd by Commission from under the hand and Seal of his Excellency William Tryon Esq^r Governor &c Now if the said Wyriott Ormond will honestly faithfully and Justly execute the Office of Receiver afs'd of the Impost or Duty and will fully Account for and pay all such sums of Money by him to be Received and Accounted for then the Above Obligation to be Void and of no Effect Otherwise to be and Remain in full force and Virtue

WYRIOTT ORMOND
ROB^t PALMER.

Sealed and delivered in presence of
ROGER ORMOND

[B. P. R. O. AMERICA & W. INDI. S. VOL. 215.]

TO THE KING'S MOST EXCELLENT MAJESTY

May it please your Majesty,

In obedience to your Majesty's commands, signified to us by the Earl of Shelburne, one of your Majesty's Principal Secretaries of State, in his Letter dated November 14th, We have taken into Our Consideration the Question therein referred, relative to the expediency of keeping up the Office and Establishment of Baron of the Exchequer in your Majesty's Province of North Carolina, and beg leave thereupon humbly to Represent to Your Majesty —

That, altho' it does appear from the Report made by M^r Tryon, your Majesty's Governor of North Carolina, that no Business has as yet been transacted in the Court of Exchequer, notwithstanding the same has been frequently opened; and altho' from the Circumstances of the Colony we think it highly probable that there is no necessity for such Court, (which it seems is the Opinion of the Chief Justice there,) yet as Occurrences may arise, and circumstances may in process of time be so altered as to render such an institution expedient, We

humbly recommend to your Majesty the keeping up the Office of Baron of the Exchequer on the usual Salary of £40 Sterling per Annum, deducting according to the suggestion of the Governor the yearly allowance of £30 for the charge of opening the said Court, until such time as the Crown shall think it necessary to establish the same, and this Power of the Crown can never, as we conceive, be brought into question from the want of Recognition in the Province (as seems apprehended by the Governor) but may at any time be carried into execution, and a Court of Exchequer established in the Province of North Carolina, by virtue of the Royal Prerogative, whenever the same shall be judged needfull, In Confirmation of which Right we find, that it was the express opinion of the Attorney and Solicitor General in the year 1738, upon a similar Query in the case of South Carolina, "that the Crown has by the Prerogative "power to erect a Court of Exchequer; and that this may be done "by Letters Patent under the Seal of the Province, by virtue of His "Majesty's Commission to the Governor for that purpose."

All which is most humbly submitted

CLARE,
•SOAME JENYNS
THOMAS ROBINSON,
W^m. FITZHERBERT.

WHITEHALL }
Feb^r 4 1768 }

[FROM MS. RECORDS IN OFFICE OF THE SECRETARY OF STATE.]

At a Court of Magistrates and Freeholders held at the Court House in Wilmington on Monday February 8th 1768 on the Tryal of a Negro Man named Quamino belonging to the Estate of John DuBois Esq^r Deceased, charged with robbing sundry Persons —

Present

| | | |
|-------------------|-------------------|------------------------------|
| Cornelius Harnett | John Burgwin | } Esq ^{rs} Justices |
| John Lyon | and | |
| Frederick Gregg | William Campbell | |
| And John Walker | John Campbell | } Freeholders and Owners |
| Anthony Ward | William Wilkinson | |

The Court upon Examination of the Evidences relating to several Robberies committed by Quamino have found him guilty of the several Crimes charg'd against him, and Sentenced him to be hang'd

by the Neck until he is dead to morrow morning between the hours of ten & twelve o'Clock and his head to be affixed up upon the Point near Wilmington —

The Court valued the said Negro Quamino at eighty Pounds proclamation money proof having been made that he had his full allowance of Corn p^d agreeable to Act of Assembly

CORN^s HARNETT Ch^a

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

PROVINCE OF THE MASSACHUSETTS-BAY, Feb^y 11th 1768.

SIR [to the Speaker of the House of Assembly.]

The House of Representatives of this Province have taken into their serious Consideration, the great Difficulties that must accrue to themselves and their constituents, by the Operation of the several Acts of Parliament imposing Duties and Taxes on the American Colonies.

As it is a Subject in which every Colony is deeply interested, they have no Reason to doubt but your Assembly is duly impressed with its Importance; and that such constitutional measures will be taken by them as are proper.

It seems to be necessary, that all possible Care should be taken that the Representations of the several Assemblies upon so delicate a Point should harmonize with each other: The House therefore hope that this Letter will be candidly considered in no other Light, than as expressing a Disposition freely to communicate their mind to a Sister Colony, upon a common Concern, in the same manner, as they would be glad to receive the Sentiments of you or any other House of Assembly on the Continent.

This House have humbly represented to the Ministry their own Sentiments, that his Majesty's high Court of Parliament is the supreme legislative Power, over the whole Empire: That in all free States the Constitution is fixed; and as the supreme Legislative derives its Power and authority from the Constitution, it cannot overleap the Bounds of it without destroying its own Foundation: That the Constitution ascertains and limits both Sovereignty and Allegiance; and therefore his Majesty's American Subjects who acknowledge themselves bound by the Ties of Allegiance, have an

equitable Claim to the full Enjoyment of the fundamental Rights of the British Constitution: That it is an essential unalterable Right in Nature, ingrafted into the British Constitution, as a fundamental Law, and ever held sacred and irrevocable, by the Subjects within the Realm, that what a man has honestly acquired is absolutely his own, which he may freely give, but cannot be taken from him without his Consent: That the American Subjects may therefore, exclusive of any Consideration of Charter Rights, with a decent Firmness adapted to the Character of Freemen and Subjects assert their natural constitutional Rights.

It is moreover their humble Opinion, which they express with the greatest Deference to the Wisdom of the Parliament, that the acts made there, imposing Duties on the People of this Province, with the sole and express Purpose of raising a Revenue, are Infringements of their natural Constitutional Rights, because as they are not represented in the British Parliament, his Majesty's Commons in Britain by those Acts grant their Property without their Consent.

This House further are of Opinion, that their Constituents, considering their local Circumstances, cannot by any Possibility be represented in the Parliament; and that it will for ever be impracticable that they should be equally represented there, and consequently not at all; being separated by an Ocean of thousand Leagues: and that his Majesty's royal Predecessors were graciously pleased for this Reason to form a subordinate Legislature here, that their Subjects might enjoy the unalienable Right of a Representation; and that considering the utter Impracticability of their being fully and equally represented in Parliament, and the great Expense that must unavoidably attend even a partial Representation there, this House think that a Taxation of their Constituents, even without their Consent, grievous as it is, would be preferable to any Representation that could be admitted for them there.

Upon these Principles, and also considering that were the Right in the Parliament ever so clear, yet for obvious Reasons it would be beyond the Rules of Equity that their Constituents should be taxed on the manufactures of Great Britain here, in addition to the Duties they pay for them in England, and other advantages, arising to Great Britain from the acts of Trade, this House have preferred a humble, dutiful and loyal Petition to our most gracious Sovereign, and made such Representations to his Majesty's Ministry, as they apprehended would tend to obtain Redress.

They have also submitted it to Consideration, Whatever any People can be said to enjoy any Degree of Freedom, if the Crown in Addition to its undoubted Authority of constituting a Governor, should also appoint him such a Stipend, as it shall judge proper without the Consent of the People, and at their Expence; and whether while the Judges of the Land, and other civil officers in the Province hold not their Commission during good Behavior, their having Salaries appointed for them by the Crown, independent of the People, hath not a Tendency to subvert the Principles of Equity, and endanger the Happiness and Security of the Subject.

In addition to these measures, the House have wrote a Letter to their Agent M^r Deberdt, the Sentiments of which he is desired to lay before the Ministry, wherein they take notice of the Hardships of the Act for preventing Mutiny and Desertion, which requires the Governor and Council to provide enumerated articles for the King's marching Troops, and the People to pay the Expence; and also of the Commission of the Gentlemen appointed Commissioners of the Customs to reside in America; which authorizes them to make as many appointments, as they think fit, and to pay the appointees what Terms they please; for whose mal conduct they are not accountable from whence it may happen that Officers of the Crown may be multiplied to such a Degree as to become dangerous to the Liberties of the People, by virtue of a Commission which doth not appear to this House to derive any such advantages to Trade, as many have been led to expect.

These are the Sentiments and Proceedings of this House and as they have too much Reason to believe that the authorities of the Colonies have represented them to his Majesty's Government and the Parliament as factious, disloyal and having a desire to make themselves independent of the Mother Country, they have taken Occasion in the most humble Terms to assure his Majesty and his Ministers, that with regard to the People of this Province, and as they doubt not of all the Colonies, the Charge is unjust.

The House is fully satisfied, that your Assembly is too generous and enlarged in Sentiment, to believe, that this Letter proceeds from an Ambition of taking the Lead or dictating to the other Assemblies: They freely submit their opinion to the Judgment of others, and shall take it kind in your House to point out to them any Thing further which may be thought necessary.

This House cannot conclude without expressing their firm Confidence in the King, our common Head and Father, that the united and dutiful Supplications of his distressed American Subjects, will meet with his royal and favorable acceptance.

In the Name and by Order of the House of Representatives

I am, Sir, with Respect

Your most humble Servant,

THOMAS CUSHING Speaker

Received April 1st 1768.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to the Bishop of London.

NEWBERN the 12th Feb^r 1768

The bearer hereof M^r James M^cCartney a native of Ireland waits on your Lordship for orders of ordination. I am induced to be an advocate for him with your Lordship in consequence of the warm recommendations I received in his behalf from the Speaker of the House of Assembly of this province, under whose roof he lived some time in the character of tutor to his children. Mr M^cCartney was during his residence in Newbern employed as an Assistant to Mr Thomson, who speaks handsomely of his diligence in the school and regularity of life out of it. The Reverend Mr Reed also assured me he judged favorably of him from what he had observed of his conduct.

I am therefore to wish your Lordship may find Mr M^cCartney qualified for the sacred function into which he very ardently wishes to be admitted, as it is in the expectation of such happiness singly, that he is soon going home.

I am &c

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

COUNCIL JOURNALS.

At a Council held at Wilmington 1st March 1768

Present

| | | | |
|------------|-----------------------------|-----------------|------------------|
| | His Excellency the Governor | | |
| The Honble | { | James Hasell | Benjamin Heron |
| | | John Rutherford | |
| | | Lewis DeRossett | and |
| | | William Dry | Samuel Strudwick |
| | } | Esquires | |

His Excellency informed this Board that in virtue of the General Court Law passed last Session authorizing him to appoint Associate Justices he had from the necessity of one Associate attending the Circuit and his distance from the Council at that time not allowing him to consult them agreeable to the forty sixth article of his Majestys Instructions Granted a Commission to Maurice Moore Esq^r to be an Associate Justice of this Province—

And also that for the same reasons his Excellency had appointed Stephen Dewey Esq^r, Judge Advocate for the District of Newbern in the room of Peter Gordon Esq^r resigned— And at the same time informed them, He proposed to appoint Rich^d Henderson Esq^r the other Associate and desired their opinion thereon— It is the unanimous opinion of this Board that the said three Gentlemen are properly Qualified for the several offices.

His Excellency also acquainted this Board that he had received an Address from the Assembly requesting him to issue a writ for the Election of a new Member for the County of Anson in the room of John Crawford who had resigned his seat— which address appearing to him unprecedented he desired the opinion of this Board whether it would not be advisable to receive His Majesty's Instructions thereon. It is their opinion that his Excellency should defer issuing the writ until the King's pleasure be known.

[FROM THE COURT RECORDS OF ROWAN COUNTY.]

NORTH CAROLINA }
Salisbury District }

At a Superior Court of Justice held for the district of Salisbury

before the Hon Maurice Moore his Majesty's Associate Justice for the Province aforesaid, this the 5th day of March in the eighth year of the reign of Our Sovereign Lord George the third &c, 1768.

Present

The Hon Maurice Moore Esq produced his Majesty's Commission under the hand of his Excellency the Governor & the great seal of the province thereby constituting and appointing him the said Maurice Moore Esq his Majesty's Associate Justice in this province, which was accordingly read & the said Maurice Moore, qualified thereto according to law by taking the oaths for that purpose & repeating and subscribing the test.

Court adjourned until Monday Morning 10 o'clock.

* * * * *

The Court for want and in the absence of the Attorney General do hereby appoint William Hooper Esq Attorney for our Sovereign Lord the King in the absence of the Attorney General or his Deputy.

* * * * *

This day Richard Henderson Esq produced his Majestys Commission from his Excellency the Governor and under the great seal of the province, thereby constituting and appointing him the said Richard Henderson one of His Majesty's associate Justices of this Province who was qualified according to law by taking the oaths by law appointed for that purpose & repeating & subscribing the test.

Court adjourned till Monday Morning 10 o'clock.

Met according to adjournment.

Present

The Hon Maurice Moore & } Esq^{rs}
The Hon Rich^d Henderson }

James Forsyth Esq, produced a license from under the hand and seal of His Excellency, Governor Tryon thereby licensing & empowering him the said James Forsyth to practice as an attorney in the several Courts of Record & Equity within this Province, the said James having qualified in open court by taking the oaths appointed for that purpose and repeating & subscribing the test

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Earl Shelburne,

BRUNSWICK 5th March 1768.

I have the honor herewith to transmit to your Lordship the Journals of the last session of the House of Assembly, wherein is a transaction that is without precedent in this government. Mr Crawford one of the burgesses directed a letter to the House, inserted in the Journals (folio 77) requesting leave to resign his seat therein, the resignation was accepted, and an address sent to me desiring I would order a writ to issue for the election of a new member in the room of Mr Crawford: This address I laid before his Majesty's Council, for advice on a subject of so delicate a nature. They were unanimously of opinion (as appears on the minutes of the Council Journals of the first of this month) that the resignation was unprecedented, and advised therefore, I should wait for his Majesty's instructions on this point, In consequence whereof I hope to be honored with his Majesty's commands before the next General Assembly, for as I am of opinion this address was presented to me on the full conviction, that the House had a right to accept the resignation of any of their members, so on the other hand I am inclined to believe they will readily relinquish this claim when they find it unwarranted by any usage of Parliament

Every other transaction I flatter myself will be found to have been conducted with great regularity and harmony. The marginal notes will readily direct your Lordship to the principal matters in these Journals.

The inclosed estimate of the expences in running the western frontier line of this province, will state the particular charges thereof. I defrayed my own expences while on that service, and carried them to the account of the satisfaction and amusement I experienced in the tour, and the discovery I made of our increasing body of industrious inhabitants, happily settled in a healthy and luxuriant clime and soil. From this experience I am of opinion it is the face and situation of a country rather than the degrees of its latitude which makes it healthy or sickly.

I beg leave to observe that the great attention which has been paid by the General Assembly at this last session for the happier establishment of the civil government of this country, and their gen-

erous liberality both by their Acts and Resolves for the support of the same, has not its parallel in the annals of North Carolina, It is my sanguine wish therefore that the business of this last session may be found to merit his Majesty's approbation, and that he will be graciously pleased to relieve the great inconveniences his subjects here labor under as well for want of a medium to pay the public taxes, as to carry on trade, and further that this province, now emerging from obscurity and rising into credit, may experience a peculiar share of his Majesty's most gracious countenance and protection.

I am, &c^a

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to the Earl of Shelburne

BRUNSWICK 7th March 1768.

I have the honor herewith to transmit to your Lordship twenty seven Acts passed the last session of the General Assembly held at Newbern the 5th December, one thousand seven hundred and sixty seven and prorogued the 16th of January last.

An Act entitled "An Act for dividing this Province into six several Districts, and regulating the proceedings therein, and for providing adequate salaries for the Chief Justice and Associate Justices of the said Superior Courts,"

Being of the greatest dignity requires to be first taken notice of. In the general frame and constitution of this bill it varies from the last superior court law in the following particulars, By the addition of the District of Hillsborough, by the increase of salary to the Chief Justice, by the appointment of associate Justices with salaries, by additional taxes on suits at law and duty on carriage wheels and by the duration given this Act of five years and to the end of the then next session of Assembly. On these particulars I beg leave to observe that the district of Hillsborough is constituted for the ease of a large body of inhabitants settled between the districts of Halifax and Salisbury, distant from each other two hundred miles, while Hillsborough is central to those towns. That the additional salary of twenty six pounds is given to the Chief Justice for every court he shall attend at Hillsborough, that the appointment of Associate Justices with salaries during pleasure is at length obtained, which

provided they attend all the superior courts, will amount to five hundred pounds proclamation money a piece *per annum*. That the taxes on suits at law and duty on carriage wheels are to create a fund to answer the Chief Justice's and Associate Justices' salaries, and lastly that the duration of five years is a term three years longer, I believe, than any court law in this province has hitherto been made to exist. If therefore its other constituent parts and rules of proceeding shall be found to coincide with the institutions of the mother country, I shall with a sensible satisfaction consider this country advancing a step nearer stability in this essential branch of its institutions. The regulation too of the fees to be taken by the superior court clerks will I imagine in a great measure put a stop to abuses formerly practised in these offices.

An Act entitled "An Act to amend and continue the several Acts for establishing inferior Courts of Pleas and quarter sessions in the several counties in this province"

Will regulate the fees of inferior court clerks and correct former impositions in their offices. It also compels them to return to the Governor the lists of taxables and the settlements between the Treasurers and Sheriffs of their respective counties annually. The second breach of any of these duties is declared a sufficient cause for [the] suspending a clerk from his office, which omissions and neglects were the foundation of my complaint against the clerks in a former letter to your Lordship. Therefore as they are now partly provided against by the provisions of this bill, and partly on account of the difficulty I found would attend the attempt to make any alteration in their appointment they still continue under the clerk of the pleas.

An Act entitled "An Act for appointing of Sheriffs and directing their duty in office,"

Will, I am in expectation, be productive of great public benefit by stopping up the avenues that led many former sheriffs to fraud and embezzlement of the public money, as the excluding the members of Assembly from being returned among the three persons recommended to the Governor for his choice of one of them, will have a salutary effect, for while those sheriffs who were representatives were attending the public service in General Assembly, their duties in their counties was too frequently neglected or abused by their deputies.

An Act entitled "An Act to appoint a public Treasurer for the northern district and other purposes,"

Appears to answer the representations in my speech of the necessity of a stricter enquiring into the public funds and an acknowledged power of the Governor to inspect into and be informed of the receipts and disbursements of the public money. This and the Sheriffs Act will probably be of considerable advantage in the revenue branch of this government, the present state of which your Lordship may form an idea by the public estimates I shall transmit in another dispatch.

An Act entitled "An Act for defraying the contingent charges of government,"

I presume will be adequate for the purposes recited, tho' its duration I was desirous to have obtained for a longer term than two years.

An Act entitled, "An additional Act to an Act for erecting a convenient building within the town of Newbern for the residence of the governor or commander in chief for the time being, Testifys the liberality of the grant for furnishing the governor's house for the time being. I flatter myself this aid with five thousand before voted will be sufficient to enable me if no unforeseen disappointments Intervene, to carry this work into execution to the satisfaction of the country. The first brick was laid the twenty sixth of August last and the body of the house is already carried up to the plates, in six weeks I expect to have the roof on it, Several persons who have passed through here from the other colonies, esteem this house the capital building on the continent of North America. Should a currency not be obtained in virtue of the Council and Assembly's address, by their committees, to his Majesty I am apprehensive it will not be possible to levy the tax to raise the ten thousand pounds granted, yet by the provision in the Act I am empowered to take upon receipt as much of the above sum as may be necessary to carry on the work.

An Act entitled "An Act for laying out a public road from the frontiers of this province through the counties of Mecklenburg, Rowan, Anson, and Bladen to Wilmington and Brunswick," Is to open a necessary and much wanted communication between the western frontier counties and Brunswick port. By this means we may bring down a considerable quantity of the produce of the back country to our own port which at present are diverted to South Caro-

lina; a circumstance as it adds much to the credit of Charlestown exports, lessens in the same proportion those of this province. Here my Lord I must beg leave to observe a practice I am told prevails in the customs of the port of London, it is this, that all vessels clearing or entering at said port to or from either of the two Carolinas are entered in the books as trading to or from Carolina generally without the distinction of North or South Carolina. That this was the case I have been credibly informed at the time the agents of South Carolina and Georgia solicited for the Act of Parliament afterwards granted to those colonies to export rice to certain foreign markets, at which time the imports into the port of London from the two Carolinas were extracted from the custom house books under the title of Carolina and placed to the credit of the exports of South Carolina, which served to swell the importance and flourishing trade of the south government, while a great majority of naval stores were actually shipped from this province. On these considerations and that this province may have the credit of its own exports and produce, not so contemptible as in the estimation of her sister colonies, I humbly hope that the Lords Commissioners of his Majestys Treasury or the honorable Commissioners of his Majestys customs will give orders that the trade of North and South Carolina directed to the port of London may for the future be respectively distinguished.

An Act entitled "An Act for vacating the title of certain persons to three hundred acres of land situate on the lower part of Cape Fear, and adjoining Fort Johnston, and for re-vesting the same in the crown for his Majesty's service and the benefit of the said fort and garrison," Is in conformity to the seventy first article of his Majesty's instructions to me.

An Act entitled "An Act for regulating ordinaries and restraint of Tipling Houses," Provides not only regulations for the establishment of houses of better entertainment for travellers, but will also have a considerable tendency towards the governors receiving with more certainty the fee due to him for the license he grants to the keepers of the ordinaries: they being by this Act obliged to renew their license at a certain court annually, and likewise being under the penalty to put up a sign, they cannot with so much facility, retail liquors undetected (without licence) as they could in the former Act. The obligation of ferry men keeping a house of entertainment will also be a conveniency to travellers as well as to

the General Post, the establishment of which would be of infinite benefit to the commercial interest of this colony.

An Act entitled, "An Act to amend the several Acts for regulating the town of Newbern." Though containing many useful regulations I thought myself under the necessity of rejecting it, on account of the exceptionable clauses noticed in the margin of the said Act herewith transmitted. These clauses I considered as injurious to private property, as well with regard to those proprietors of lotts, who were out of the province, as to guardians and their orphans, on which considerations I rejected this bill.

Thus my Lord I have gone through as many of the Acts as appeared to me to require further notice than what is evidently set forth either in the preamble or body of the several Acts, most of which I hope will be found upon a careful examination manifestly to tend to establish and strengthen the credit and polity of this country: As appearances strike me on this side the water I am of opinion the establishment of good civil institutions in the interior government of the colonies, will be productive of solid advantages to the mother country; as well as secure felicity to those who live under the immediate influence of them for in proportion as the heart of the political constitution is sound, the members will flourish, and the branches of its revenue.

I am my Lord &c.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to the Earl of Shelburne,

BRUNSWICK 14th March 1768

Your Lordship may observe the gentlemen I have appointed Associate Judges agreeable to the last Superior Court law, are Mr Maurice Moore and Mr Richard Henderson. The former gentleman I suspended during the late distractions in the colonies; His proper conduct and behavior since that period, and the British Act of grace subsequent to those troubles, induced me with the approbation of the Council to reinstate Mr Moore in his office. Mr Henderson is a gentleman of candor and ability, born in Virginia and about thirty three years of age. He lives near Hillsborough in the back country, among a people whom I am persuaded will be happy at having such

a distinction paid to one, who resides among them, and for whom they entertain an esteem. I wished to have appointed Mr Edmund Fanning as one of the Associates, as his conduct while assistant judge, in very critical times gave me the most favorable opinion of the integrity of his principles; however he declined giving me an opportunity to mention him in Council for that office, as did also Mr Marmaduke Jones a gentleman not inferior in abilities to any of his profession in this Country.

Mr Dewey, judge of the court of Admiralty was born in England, he is far advanced in years. He practised in the courts of Law in Virginia for many years before he came into this province. In both which colonies he has followed I am informed his profession with success and approbation. He held the office of Associate Justice here under the court law, that was repealed at home, I believe in 1760.

The case of Mr Crawford's resignation as a member of the House of Assembly I have stated at large, and requested his Majesty's commands thereon, in my letter which accompanies the Journals of the House of Assembly.

Mr Holt whom I superceded in the office of Sheriff in New Hanover county by proclamation, as inserted in the Minutes of the Council, has since secretly left the province.

I am &c.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to the Earl of Shelburne.

BRUNSWICK the 21st March 1768.

At the request of the gentlemen of his Majesty's Council of this province, by their letter to me enclosed, I take the liberty to forward to your Lordship their Address to his Majesty, praying his Majesty would be graciously pleased to take under his royal consideration the various duties they perform as members of that board; for the discharge and performance whereof, no salary or emolument is annexed excepting the small stipend of seven shillings sixpence proclamation money per day, during their attendance in the General Assembly.

The various branches of these gentlemen's duty as Councillors, are attended with a certain expence, and as the best estates in this country are but very moderate, those gentlemen who do not enjoy any office of emolument under the crown, bear with great difficulty the expences necessary to support the credit and dignity of so honorable a station.

I am sensible should his Majesty in his great goodness think proper to grant the petition of his Council here, the receipt of the quit rents, till further regulations, and a better mode of collecting them, are established, would be insufficient to create a fund able to answer his Majesty's liberality, unless the receiver general had orders to permit the gentlemen of the Council to set off the quit rents they may owe to the crown for the lands they possess, as part of their salary, and also that the receiver general might give them notes, or orders for the remainder, on persons who may be in arrear for quit rents to the Crown, which order the gentlemen of the Council might get satisfied, by taking of the produce of the country when specie could not be obtained.

I confess the testimonies these gentlemen have given of their attachment to his Majesty's person and family, and their steady adherence to his Majesty's interest, and the just principles of his government, would alone be motives sufficient to induce me to be an advocate for them in this instance, It is with all dutiful submission therefore, I beg leave to submit to his Majesty's royal wisdom and beneficence, the address of the Council of this province, requesting your Lordships good offices in presenting the same to the King.

I am &c.

[B. P. R. O. AM. & W. I. N. C. No. 216.]

REGULATORS' ADVERTISEMENT N^o. 5.

THE 22^d MARCH 1768.

The request of the Inhabitants of the West side of Haw river to the Assembly men and Vestry men of Orange County

Whereas the Taxes in the County are larger according to the number of Taxables than adjacent counties and continues so year after year, and as the jealousy still prevails amongst us that we are wronged & having the more reason to think so as we have been at the trouble of choosing men and sending them after the civillest

manner that we could to know what we paid our Levy for but could receive no satisfaction for. James Watson was sent to Maddock Mills and said that Edmund Fanning looked upon it that the country called him by authority or like as if they had a right to call them to an Accompt. Not allowing the country the right that they have been entitled to as English subjects, for the King requires no money from His subjects but what they are made sensible what use it's for; we are obliged to seek redress by denying paying any more until we have a full settlement for what is past and have a true regulation with our Officers as our grievances are too many to notify in a small piece of writing. We desire that you our Assembly men and Vestry men may appoint a time before next Court at the Court House and let us know by the Bearer and we will chose men to act for us and settle our Grievances until such time as you will settle with us. We desire that the Sheriffs will not come this way to collect the Levy for We will pay none before there is a settlement to our satisfaction and as the nature of an Officer is a servant to the Publick we are determined to have the Officers of this county under a better and honester regulation than they have been for some time past. Think not to frighten us with rebellion in this case for if the Inhabitants of this Province have not as good a right to enquire into the nature of our Constitution and Disbursements of our funds as those of our Mother Country We think that it is by arbitrary proceedings that we are debarred of that right, therefore to be plain with you it is our intent to have a full settlement of you in every particular point that is matter of doubt with us, so fail not to send Answer by the Bearer; if no Answer we shall take it for Granted that we are disregarded in this our request again from the Publick.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Peter DeLancey Esq, Deputy Post Master General for the Southern Department.

BRUNSWICK 22nd March 1768.

By the favor of your letter of the 28th of October last I was sorry to learn the accident that deprived me of the pleasure of getting your first letter. As you informed me you have not yet received instructions to open and regularly to carry on the General Post

through your district, I thought it would be fruitless and unnecessary to apply to the General Assembly last Session for a further aid for that purpose. The resolve of the Legislature for one hundred pounds sterling of which you are acquainted, yet remaining unemployed.

The disadvantages the commercial interest of this province labors under for want of a communication by a post both in its European and American trade daily increases. It is true indeed we have frequent opportunities (at the best however, precarious) of writing by vessels bound to Great Britain, but the misfortune is; the letters from home to this colony are sent most generally to some other of his Majesty's colonies where they too often remain months and years, before the proper owners get them; and this for want of the communication being opened clear through his Majesty's American colonies. The delays and interruptions I experience in my correspondence with the public boards would, exclusive of the motives of general utility, make me earnestly wish to see a post established through this government. To remedy these inconveniencies and prejudices I trust you will not cease to represent to your masters (as I do to mine) the real immediate necessity, of the establishing a general post through all his Majesty's American dominions.

The route I gave you through this province can not be better regulated without prejudice to those general principles so essentially required in conducting a general post, I mean convenience and expedition.

I am Sir &c^a

[N. C. LETTER BOOK S. P. G.]

Letter from Mr. Earl to the Secretary. (Extract.)

N^o CAROLINA EDENTON 26th March 1768.

REVEREND SIR,

Since my letter to you of the 1st of October last I baptized in this parish 30 infants and administered the sacrament of the Lord's supper to 27 communicants. I have likewise preached to two congregations in Berkley Parish, and Baptized there 18 infants; and to eight congregations in St Andrew's Parish and Baptized there 95 Infants, and administered the Communion to 46 communicants.

Reverend Sir, Yours &c.

DAN^l EARL.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

COUNCIL JOURNALS.

At a Council held at Brunswick 29th March 1768 —

Present

His Excellency the Governor

The Honble { John Rutherford William Dry } Esquires
 Benjamin Heron }

His Excellency proposed adding the following Gentlemen to the Commission of the peace for the several Counties under-mentioned in consequence of petitions from their respective Inhabitants —

New Hanover—John Ancrum, Robert Schaw, William Robinson, Jonathan Evans.

Johnston—James Martin, Thomas Hinds.

Granville—William Bullock, Robert Lewis, Thornton Yancey.

Brunswick—Robert Ellis, Joseph Peabody.

To which appointments the Board unanimously agreed.

Ordered, That the Secretary transmit the names of the Justices hereby appointed to the Chairman of the Respective Countys empowering and directing them severally to insert their names in the Commission of the peace and *dedimus*.

[B. P. R. O. A. & W. I. N. C. No. 216.]

REGULATORS' ADVERTISEMENT N^o 6.

At a general meeting of the Regulators held April 4th 1768 it was agreed to send Peter Craven and John Howe to request the late Sheriff and one Vestryman to meet 12 men that we shall choose on the Tuesday after the Court to produce to them a copy of the list of Taxables for each year and a list of the number and names of the Insolvents returned each year with an account how the money was applied to whom paid and to what uses both Vestrymen and sheriffs and to request our representatives to confer with them in our behalf and to show us law for the customary fees that has been taken from Deeds Indentures and administrations &c. If the time appointed don't suit them let them appoint them another

more suitable — 2nd that we hold a general meeting the First Monday in July October Jan. and April yearly and each year following until the business be completed to satisfaction at the Meeting House near Moses Teague's to which each chief is to send one or more representatives from a private meeting of his own company to attend to confer on further business according to our Association Paper agreed on the day and sooner or at any other time when an emergency requires by public notice

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

We The Jurors, Appointed by the Inferior Court of Brunswick County to Value Three hundred Acres of Land and the Improvements thereon in Virtue of an Act Passed the last Session of Assembly Intituled an Act for Vacating the Title of Certain Persons to Three hundred acres of Land Situate on the lower part of Cape Fear River and adjoining Fort Johnston and for Revesting the Same in the Crown for His Majesty's Service and for the benefit of the said Fort and Garrison being met and Qualified agreeable to the Directions of the above mentioned Act have viewed the Said Three hundred acres of land and the Improvements thereon and have Valued and appraised them as follows

Three hundred Acres of Land adjoining Fort Johnston (Claimant unknown) clear of Quit Rents valued at Fifty pounds Proclamation money

An old house and Kitchen called Walden's valued at Fifteen pounds

An house and Kitchen called Judah Swaines Valued at One hundred pounds

An house called William Dry's Esquire, Valued at Ten pounds

An house and Kitchen called John Galloways One hundred pounds

Given under our hands and Seals this fifth day of April One thousand Seven hundred and Sixty eight and in the Eighth year of his Majesty's Reign.

| | |
|---|--------|
| JOHN DAVIS | [Seal] |
| RICH ^d EAGLES | [Seal] |
| ROB ^t SNOW | [Seal] |
| WILLIAM LORD | [Seal] |
| THO ^s COBHAM | [Seal] |
| THOM. DAVIS | [Seal] |
| WILLIAM HILL | [Seal] |
| RICH ^d QUINCE JUN ^r | [Seal] |
| JOHN WALKER | [Seal] |
| ROB ^t HOWE | [Seal] |
| ROB ^t ELLIS | [Seal] |
| JOHN WILKINSON | [Seal] |

Valuation of Lands & Houses at Fort Johnston Returned into Court y^e 23rd June 1768 & ord^d to be Regist^d by

WILLIAM LORD Clk

The within was duly recorded among the minutes of the Inf^r Court of pleas of Brunswick County on the 23rd day of June 1768 and ord^d to be registered by

WILL. LORD Clk

The within was Registered in the Register office of Brunswick County in Book A page 56 by

WILL. LORD C^y Reg^r.

Jan^{ry} 1768

Recorded in the Secretary's Office the 7th September 1768, Book D, page 237

JOHN LONDON, D. Sec.

[N. C. LETTER BOOK S. P. G.]

Letter from Mr. Cupples to the Secretary. (Extract).

S^t JOHN'S PARISH BUTE COUNTY,

April 9th 1768.

REVEREND SIR,

In December was a twelve month I waited upon his Excellency and was by him appointed to this parish for 3 months, but the Vestry thought the time too short, and prevailed upon me to stay the whole year, which I accordingly did, at the expiration of

which I was inducted into the parish by a commission from his Excellency, he having first had a petition from the principal Inhabitants of it for that purpose; since the first of January 1767 till this day I have baptized 382 children, 51 of which were negro children, the engagements for some were made by their Masters and Mistresses, and others had God fathers and God mothers of their own color as having been formerly baptized: I have five places to officiate in, at three of which I have administered the Sacrament four times to about 60 communicants at each place—We have a few Dissenters here of such as are generally called Ranting Anabaptists but they have of late mightily decreased, and generally attend the public worships in the church, and I am fully persuaded, that if we could have a Bishop here in America to inspect the Clergy and carry on the Discipline of the churches towards the offenders, Dissention would soon, by the blessing of God be at an end, May the great King of his church direct by his holy spirit to such ways as would be for the interest of his kingdom here and prepare for himself a peculiar people zealous of good works—Reverend Sir—

Yours &c.

CHAS: CUPPLES.

[B. P. R. O. AMERICA & WEST INDIES. N. CAROLINA. No. 216]

Lieutenant Col^o John Gray to Edmund Fanning, Letter, received the 13. April and answered the same day and forwarded by Tyree Harris Esq^{re} to whom a warrant was delivered signed by M^r Chief Justice Howard for apprehending & bringing before him, William Butler, Peter Craven & Ninian Bell Hamilton three of the principals in the Transaction at Hillsborough on the 8th instant.

HILLSBOROUGH April 9th 1768.

DEAR SIR,

The Mob who stand in opposition to paying their Levies and who have so long threatened us appeared yesterday in Town to the number of about 100. in order to take from the Sheriff a horse which he had distrained for a Levy and after having taken and tied the Sheriff (M^r Hawkins) forcibly took the Horse and treated sundry of the Inhabitants of the Town very ill & crowned the whole by shooting

two or three Bullets through your House. As I think it is such a piece of behaviour as cannot by any means be suffered in a civilized country and as the matter now lies on me in your absence I am on my way to Major Lloyds in order to consult with him on the steps that are most necessary to be taken on such an emergency.

The plan I have thought of is of raising the Militia and apprehending every man that is known to be of the Party & committing them to close gaol but as I am unacquainted with matters of this extraordinary nature and as I really am afraid the consequence will be bad at any rate I would gladly have your Council in the matter as quick as possible. I hope therefore you will lose no time on receipt of this in sending up an Express with such advice as you judge most expedient. For further particulars I refer you to Captain Thackston and am,

Dear Sir,

Your mo Obedt: hble Servant

JOHN GRAY

Letter from Edmund Fanning to Col^o. Gray

DATED AT HALIFAX the 13th April 1768.

DEAR SIR,

I am particularly obliged to you for your letter and the information you give me of your cautious, prudent and spirited behaviour on the extraordinary conduct of the late riotters. I have detained the High Sheriff of our County till I could obtain a warrant from the Chief Justice for apprehending the principals and I will deal with them in such a manner as the Law directs—I am hopeful there will appear in the Gentlemen, Officers & soldiers of the Orange regiment of Militia on this occasion the true spirit of loyalty and attachment to our King and Country and a just and becoming detestation & Abhorrence of the Odiousness of rebellion & disobedience to Law.—Such an instance of a traitorous and rebellious conduct and behaviour such a lawless opposition to Government such an open defiance of Law and contempt of authority I could never believe or suspect the Inhabitants of my Darling my favourite County guilty of—Such a behaviour is a disgrace to our County and something more than a dishonor to our King and Country. This spirit must be suppressed and properly punished or we may no longer expect our persons protected or our properties

secured by the Laws of the Land but to lye open and exposed to the attacks of lawless violence and brutal force.

I therefore order that Captain Thomas Hart, Capt. Thomson, Capt. King, Capt. Mebane, Capt. Holt, Capt. Lytle and Capt. Thackston raise immediately as many men as Major Lloyd, Adjutant Nash and yourself shall think necessary to check the spirit of riotousness and rebellion and to enforce a full obedience to the Civil Officers of Government and the execution of Laws. Enemies of the Constitution are the most hateful and accursed enemies of a people, a Country or Kingdom I therefore entreat, desire and beg of you my brave and good officers my Trusty Friends & Countrymen that the within warrant be executed on the three persons named therein and that they be brought here by next Monday night at farthest. I have the greatest confidence in the spirited and loyal behaviour of the Officers and soldiers on this occasion; I should go in person on this service but the duty I owe my clients makes it impossible and I hope your good sense prudent and animated conduct will I flatter myself render it unnecessary. I shall only add that I am with my compliments to the officers the Corps Dear Sir

Your most Obedt: H. Servant

EDMUND FANNING

[B. P. R. O. AM: & W. IND. VOL. 272.]

Earl Hillsborough to Governor Tryon

WHITEHALL April 15th 1768.

Circular

TO THE GOVERNOR OF NORTH CAROLINA &c

I have the satisfaction to acquaint you that in consequence of a report made to his Majesty by the Lords of Trade the Plan for the management of Indian Affairs adopted by the Superintendants has been fully laid before his Majesty.

Upon mature consideration of the present Regulations the great expence of the variety of Establishments far exceeding the value of the object and the difficulties which have attended the execution of the Plan in general for want of a due authority in the Superintendants His Majesty has thought fit that it shall be laid aside That the Regulations of the Trade shall be left to the Colonies whose Legislatures must be the best judges of what their several situations and

circumstances may require. That the office of Superintendants shall however be continued for such matters as are of immediate Negotiations between His Majesty and the Savages and cannot therefore be regulated by Provincial authorities and that the Boundary Line between the Indians and the Settlements of his Majestys subjects (every where negociated upon and in many parts settled and ascertained) shall be finally ratified and confirmed.

As the grounds and reasons for these several resolutions are in general set forth in the Report of the Board of Trade and as that Report will inform you what will be expected and required of the Colonies and what will hereafter be the nature of the office of Superintendant I have thought fit to send you the inclosed Extract of such part of it as relates to these objects and I have it further in command from his Majesty to acquaint you that in consequence of the Resolutions his Majesty has taken for the future direction of this Branch of his service he has given the necessary orders to the commander in Chief of his Forces for the reduction of all such Posts in the Interior Country as are not absolutely necessary for public Safety in general and for giving protection and facility to the commerce of his Subjects. But as the Forts of Magara the Detroit and Missilimakinac do not appear to his Majesty to fall within this Description his Majesty has thought fit that they shall be continued and that a proper Naval Force shall be kept up upon the Lakes.

The objects which upon this occasion will principally demand the attention of the several Colonies are to provide by the most effectual Laws for preventing any Settlements being made beyond the line that shall be agreed upon with the Indians and for the controll and punishment of those atrocious Frauds and Abuses which have been practiced by the Traders and have been one principal cause of the disaffection of the Savages.

It is unnecessary for me to use any arguments to shew how greatly both the Interests and safety of the Colonies depend upon a close attention to these Objects and as many of the regulations of the present plan of superintendency have evidently operated to the Benefit of the Trade and to the giving that satisfaction and content to the Savages by which alone the Colonies can hope to derive either immediate Profit or lasting Peace His Majesty trusts that they will be adopted as far as local circumstances and peculiar situations will admit always having regard to that freedom of Trade with the

Indians which his Majesty has graciously granted to all his subjects by his Proclamation of 1763.

As the Execution of the measures which his Majesty recommends to your attention will principally depend upon the nature and extent of the reduction which the Commander in Chief of his Majesty's Forces shall think proper to make of the Military establishments in the Interior Country His Majesty has given the necessary directions that he should communicate to you as soon as possible the arrangements proposed to be made in respect to these Establishments and his Majesty trusts that after such intimation no time will be lost in carrying his Royal Intentions into full execution.

I have the greatest satisfaction in communicating to you his Majesty's Directions upon this subject as I conceive that his Majesty's gracious condescension in committing the regulation of these important objects to the care of his Colonies cannot but be very acceptable to them

I am &c
HILLSBOROUGH.

[B. P. R. O. AMERICA AND WEST INDIES. VOL. 215.]

Letter from Earl Hillsborough to Governor Tryon

WHITEHALL, April 16th 1768.

SIR,

The Petition to His Majesty from a Committee of both Houses of Assembly relating to the Expediency of a fresh Emission of Paper Bills of Credit with a legal Tender, inclosed in your Letter N^o 22, has been laid before the King. As the Power of creating Paper Currency to be a legal Tender, is restrained by Act of Parliament, the Committee must be sensible that the Crown cannot exercise It's Discretion on this Occasion, and if it was the Disposition of the Government to bring this consideration before Parliament, the Houses are not now sitting; But this Matter has already received so full a Discussion at the Board of Trade, at the Privy Council, and in each House of Parliament, and so strong and unanimous a Determination that Paper Currency with a legal Tender is big with Frauds, and full of Mischief to the Colonies, and to Commerce in general, that I apprehend no Consideration of a possible local Inconvenience will induce a Deviation from the sound Principles of the Act of Parliament relative thereto.

I am &c^a
HILLSBOROUGH

[B. P. R. O. A. & W. I. N. C. No. 216.]

Francis Nash and Thomas Hart Esquires to Edmund Fanning,
Letter, received at Halifax the 19th of April, on the 20th sett off
for Hillsborough.

HILLSBOROUGH Sunday morn^s 17th [April] 1768.

DEAR SIR,

Captain Hart and myself are desired by Col^o Gray to write to you, and inform you that he received your letter on this unhappy occasion which he immediately endeavoured, to have put in execution by giving orders to the several Captains, to raise their Companies, and meet him at Col^o Mebanes on Saturday last, where he attended in person in order to have such of the several Companies as should be thought sufficient to apprehend those mentioned in the Chief Justice's Warrant and to endeavour to suppress, that spirit of rebellion and disaffection to Government, which I am sorry to say seems so universally to reign through out the whole Country, but greatly to his concern and astonishment, out of the seven Companies ordered to meet, there were not above 120 appeared, with Arms, and out of those, so few who did not either openly declare in favour of the Mob or such who chose to stand neutral that he found it all this time impracticable to raise as many of the Militia as would be able to make the least opposition against them. He therefore with the advice and consent of the several Officers who were then present thought it most advisable in order in some measure to break the edge of the People's resentment, who would no doubt be greatly exasperated and flushed with success, at our having made an attempt to raise the Militia, and failing in it, he thought it most prudent to propose a kind of treaty with the leading and most reasonable men of the rioters, for which purpose Captain Hart, Captain Thompson, Captain Mebane, and myself are appointed to meet them on Wednesday next, the purpose of which is designed as nothing more than to keep them from making any violent Attempt upon those who have appeared openly against them, or upon the Town to which they threaten Destruction until some measures can be fallen upon for the suppression of them, which by the by we are afraid will be extremely difficult for such a spirit of rebellion, Disobedience and Disaffection to Government I never could have suspected any people of much less the people of

Orange. Whether our conduct in submitting so far as to propose a Treaty with them will be approved of or not we cannot tell, but Sir you may depend it was dire necessity which compelled us to it, for I really do think that such is the universal dissatisfaction of the People throughout the whole Country with their Officers and leading men, that on this occasion I don't believe 150 men could be raised in the whole County of Orange who would with firmness and resolution follow their Officers, so that we hope Sir, you will have time before you come into the County again maturely & deliberately to consider the matter, and to take such prudent measures, as you shall judge most advisable. If we might advise Sir, we really think it a matter worthy the Governor's notice, as we are apprehensive a force must be brought from some other part of the Province, in order to enforce obedience to the Laws of the Country and to punish those who have in so open and violent a manner stood in opposition to them, by flying in the face of authority. In short Sir, the matter is of so new & of so extraordinary a nature to us that we are at the greatest loss what is to be done, but certain we are, that unless some measures can be fallen upon, of suppressing and bringing to justice those who have offended that no man will be safe among us in the possession either of his life or property, and that it will end in ruin and destruction among ourselves—and as we think their greatest resentment seems to be levelled at you, as being one of the Assembly who have taxed them, and as being at the head of affairs here, We beg you would as you regard your safety look upon the matter, in a serious light and if it was possible that you might be so long spared from your business we should submit it to you, whether it would not be best to see His Excellency yourself before you come up—however that we leave entirely to your own discretion, & would only mention that all the Officers who were assembled behaved with the utmost loyalty, firmness and resolution, and to a man would, I believe venture their lives and fortunes in the support of any measures that may be fallen upon for the suppression and punishment of such lawless and rebellious Crew—Indeed the most of them look upon themselves in imminent danger, from the open and unreserved manner, in which they have expressed their abhorrence and Detestation of such a Proceedure—And as an instance of the Evil & destructive consequence that naturally follows, from such rebellious and disorderly violation of the Laws, we are creditably

informed that Mr Strudwicks Tenants almost to a man have entered into an association among themselves to keep forcible possession of his lands and for that purpose, had a meeting yesterday in the Haw Fields. We beg you will lose no time in sending us back an Answer, as we shall be extremely impatient to hear from you — In the meantime we are with the greatest regard and esteem Dear Sir

Your most obedient servants &c

F NASH

THOS. HART.

[B. P. R. O. AMERICA & W. INDIES. VOL. 272.]

Circular letter from Earl Hillsborough

WHITEHALL April 21st 1769.

SIR

I have his Majesty's commands to transmit to you the inclosed Copy of a letter from the Speaker of the House of Representatives of the Colony of Massachusetts Bay addressed by order of that House to the Speaker of the Assembly of each Colony upon the Continent of N^o America.

As his Majesty considers this measure to be of a most dangerous and factious Tendency calculated to inflame the minds of his good subjects in the Colonies to promote an unwarrantable combination and to excite and encourage an open opposition to and denial of the authority of Parliament and to subvert the true principles of the Constitution, It is his Majesty's Pleasure that you should immediately upon the Receipt hereof exert your utmost influence to defeat this flagitious attempt to disturb the Public Peace by prevailing upon the Assembly of your province to take no Notice of it which will be treating it with the contempt it deserves.

The repeated Proofs which have been given by the Assembly of ---- of their Reverence and respect for the Laws and of their faithful attachment to the Constitution leave little room in his Majesty's Breast to doubt of their shewing a proper resentment of this unjustifiable attempt to revive those distractions which have operated so fatally to the prejudice of this Kingdom and the Colonies and accordingly his Majesty has the fullest confidence in their affections But if notwithstanding these expectations and your most earnest

endeavours there should appear in the Assembly of your Province a disposition to receive or give any countenance to this seditious Paper it will be your duty to prevent any proceeding upon it by an immediate Prorogation or dissolution

I am &c
HILLSBOROUGH.

[B. P. R. O. AM. & W. I. N. C. No. 216.]

Letter from Col. Fanning to Governor Tryon.

HILLSBOROUGH April 23rd 1768.

MAY IT PLEASE YOUR EXCELLENCY,

Sir,

I want words to express the concern I feel, while I communicate to your Excellency the wretched and deplorable situation of this County; this my present uneasiness is greatly aggravated from a sense of the concern it must give you, & being informed that the late orderly and well regulated County of Orange, is now (O my favourite County and people how art thou fallen) the very nest and bosom of rioting and rebellion—The People are now in every part and Corner of the County, meeting, conspiring, and confederating by solemn oath and open violence to refuse the payment of Taxes and to prevent the execution of Law, threatening death and immediate destruction to myself and others, requiring settlements of the Public, Parish and County Taxes, to be made before their leaders—Clerks, Sheriffs, Registers, Attornies and all Officers of every degree and station to be arraigned at the Bar of their Shallow Understanding and to be punished and regulated at their Will, and in a word, for them to become the sovereign arbiters of right and wrong. This Contagion and spirit of rebellion (for surely Sir it is rank rebellion) took its rise in the lower part of Anson spread itself into Orange and encouraged by some of the principal men of Cumberland (as I am informed & verily believe) became considerable—On my return from Salisbury Sup^r Court hearing of the Conspiracy I convened four of the Head men before me and expatiated to them on the folly and madness of their conduct and three out of four readily acknowledged the impropriety of their conduct, confessed a clear conviction of their error and made me a promise to put an end to it as far as in their Power. I dismissed them and expected to hear no more of

it — But alas I find it was not to be effected — the restless Tools of Faction were and continue still at work in their dark cabals — The contagion (I am sorry to say it) is by indefatigable pains and industry extending itself far and wide through this part of the Province — For your Excellency's information of the manner of its taking its rise here again after I went to Halifax and the several stages of it since and the proceedings had thereon I beg leave to refer your Excellency to the inclosed copies of several Letters — I was unwilling as recommended in Letter from M^r Hart and M^r Nash to trouble your Excellency before I came into the County Anticipating the pain I judged your Excellency would feel, and desirous if by any means practicable to suppress the insurrection without troubling of your Excellency, and I own, Sir, I thought it too inglorious a conduct in me and unworthy of the command that I am honored with by your Excellency for to go immediately to Brunswick without returning to my regiment — I therefore set out from Halifax the 20th and arrived here last night (retarded by heavy rains and great Freshes) and this day got all the information in my power of the state situation and number of the regulators (as they are pleased to call themselves, tho' by Lawyers they must be termed rebels and Traitors) and learn that on this day they have a grand Association and that on the 3rd day of May they are to environ the Town with fifteen hundred men & then to execute their vengeance on me and if not satisfied in every particular to their desire (which is impossible) why then to lay the Town in ashes &c. but I cannot believe them anything like so numerous, neither do I apprehend such inevitable death as the universal Panick and the popular cry seems to suggest and threaten — Col^o Gray, Major Lloyd, Captain Hart, Adjutant Nash & Captain Thackston seem to think that not above one hundred men can be raised in this County who will with spirit and courage oppose them, for say they those who are not for them will not fight against them. Unluckily for the cause of Government the County Court is next week to be held in this Town and considering the prevalency of that Party and the impossibility of enforcing any order among the tumultuous throng and rabble which ever attend Courts, I thought it most advisable to be silent until to-morrow week when in the evening I propose to send off a Detachment of the Trusty and loyal few that I can command for to apprehend three or four of the principals under the cover of the night, and to have them brought instantly to town where on the

Tuesday following I verily expect an attack from the whole united force of the regulators or rebels at which time I intend, as do also the aforementioned Officers, to *bravely repulse them or nobly die*—If I can rally force to withstand one attack I then shall plume myself as being the commanding Officer in this County & then shall expect to be joined immediately by numbers who now think it desperately dangerous and almost inevitable death to oppose them, so powerful are they thought, and so alarming are the apprehensions of the Populace at this time—and was it not that they will be awed by their guilt and we supported and encouraged by our loyalty and attachment to the Constitution and Government our defeat would be indubitably certain and sure—They say they can command powerful and numerous aids from Anson, Rowan and Mecklenburg and if so it becomes the important concern of Government and undoubtedly my duty early to apply to your Excellency for Orders to raise the Militia and if any will obey (which I think they will some few) to give them Battle immediately, and if any advantage can be once gained the show will be over I am convinced—And to do that, I think (tho' almost singly) that I need nothing but your Excellency's express orders, which I hope to be honored with by three o'clock in the afternoon on Sunday the first of May next—I should, considering the shortness of the time and exigency of affairs, have waited for another visit, if the legality of my raising the Militia on an Insurrection had not been doubted without your Excellency's express Orders and Directions under our present Militia Law—If any dangerous attempts are made at any time I shall immediately dispatch an Express with the particulars, and shall notwithstanding the threats of these traitorous Dogs bound to stand by and assist each other by the most solemn oaths oppose them with resolution & courage and if I have but your Excellency's orders I can't but flatter myself with success from the few recruits that can be raised even among ourselves, tho' it is except by three or four chosen leaders, thought impracticable but if from this Account of the matter it is thought fit by your Excellency, *I wish to make the Experiment*. I think it shamefull and I hope unnecessary to call in the aid of other forces to subdue the rebels of our own County but I shall wait and obey your Excellency's Commands with punctuality and pleasure.

I thank your Excellency for favour by M^r Lattiburn and shall endeavour to make his stay in Orange as safe and agreeable as pos-

sible. I have not seen that Gentleman as yet, but expect him to dine with me tomorrow. My duty to Her Excellency M^{rs} Tryon and do me the favour to believe that I am most cordially and sincerely with the highest sense of Gratitude and respect most absolutely at your Excellency's full command

EDMUND FANNING.

[B. P. R. O. AM. & W. INDIES. N. C. 216.]

REGULATORS' ADVERTISEMENT N^o. 7.

At a Council held the 25th April 1768.

Be it remembered that our Minister has paid us a visit upon a matter of more than ordinary weight and concernment and by the power of persuasions and argument hath restrained us from going to the Town of Hillsborough until the eleventh day of May unless there should be any distress for Levys on which day a certain Number not exceeding twelve men of penetrating judgments shall be selected out of our Regulators and sent to the said Town of Hillsborough then & there to propose and deliberate on such matters as shall be conducive to the preservation of our public and private Interest.

Signed and delivered in presence of us

NINAN HAMILTON
WILLIAM BUTLER
JN^o LOWE
ISAAC JACKSON
JAMES HUNTER.

God save the King George the Third.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

Know all men by these presents that we Samuel Johnston of Chowan County Attorney at Law Joseph Hewes and John Hodgson of the County aforesaid Esquires are held and firmly bound to our Sovereign Lord the King in the Sum of Two thousand pounds proclamation money to be paid to our said Lord the King his Heirs & Successors to which payment well and truly to be made We bind

ourselves and each of us our and each of our Heirs Executors and Administrators jointly and severally firmly by these presents Sealed with our Seals and dated this 25th day of April in the year of our Lord one thousand seven hundred and Sixty eight

Whereas the above bound Samuel Johnston is this day appointed Clerk of Superior Court for the District of Edenton pursuant to the Act of Assembly in such case lately made Now the Condition of the above Obligation is such that if the said Samuel Johnston do and shall safely keep the Records of the said Court and faithfully discharge his Duty in the said Office during his continuance therein then the above Obligation to be void otherwise to remain in full force and virtue.

SAM. JOHNSTON
JOSEPH HEWES
JN^o HODGSON

Sealed & Delivered In presence of

CHAS BONDFIELD
HEND LUTER

[FROM MS. RECORDS IN OFFICE OF THE SECRETARY OF STATE.]

Letter from Governor Tryon to Colonel Fanning.

WILMINGTON the 27th April 1768.

SIR,

Your Letter of the 23^d of April, with the several Letters inclosed was delivered last night; They opened a Scene which afforded me no less surprise, than real and hearty concern. I cannot too much Applaud your Sense of the Outrages that have been already acted, as well as those that may probably be carried into execution, even while I am now signifying my abhorrence of them. . . . The spirited and determined Resolutions of yourself and Officers merit my highest Commendations. The best Testimonies I can give of my Approbation of such steady Behavior in so Righteous a Cause, is an Offer which I with sincerity make to come up and join you against all your opposers, and this I will do as soon as you inform me my presence is necessary, with all the Dispatch that the Emergency of the Case requires; therefore do not hesitate personally to Inlist me in defence of the Laws of this Country.

From a proper Sense of your generous Spirit, independent of the just Indignation you Feel at the Outrages committed against the Laws, I am conscious your Resentments must be keen against those persons who have offered You such unprovoked and dastardly Affronts. It is however my sanguine hope that You and your Friends may not be compelled, upon too unequal Terms, to carry Matters to Extremities before the Effect of the Proclamation, I now send you, has had an Experience of the Efficacy intended, and to be wished; or if ineffectual, until the Regiments of Militia of the adjacent Counties can be got in readiness to furnish you with such a Number of Men from each, as the Exigencies of the miserable state of your part of the Country may require.

The inclosed is a Copy of the circular Warrant *Mutatis Mutandis*, I have sent by Expresses to the Commanding Officers of the Regiments of Militia for the Counties of Burke, Halifax, Granville, Rowan, Mecklenburgh, Anson, Cumberland and Johnston. These with the Warrant empowering you to call out your Militia and to oppose and repel all Insurrections and to require to your Assistance such Succours from the Commanding Officers aforesaid, as you shall Judge expedient, will I trust be sufficient to bring the *many deluded* to a proper Sense, both of their Errors and their Duty, And the Ring-leaders, their only real Enemies, to that Tribunal whose Basis is to arraign and Judge such Offenders: The Invaders of public peace and private Happiness. I must desire you to present my compliments to Mr Gray, Lloyd, Nash, and the other Gentlemen of your Corps, with assurance of my firm and steady support with all the strength and succour that a just Government can invest me with, I therefore most cordially wish both Yourself and them all the Success which the Cause of Justice Equity and Honor Merit.

I am Sir &c

W^m. TRYON.

NORTH CAROLINA

By His Excellency William Tryon Esquire His Majestys Captain General and Governor in Chief in and over the said Province

Whereas there are several riotous and tumultuous Assemblies Confederating in the County of Orange to the Disturbance of His Majesty's Peace and in open and daring Violation of the just Measures of Government, I have therefore thought fit by and with the advice and Consent of His Majestys Council to Issue this my Warrant, hereby strictly

Commanding you to hold your Regiment in readiness to march such a Number of your Men, with proper Officers, as shall be required by Colonel Edmund Fanning or the Commanding Officer of the Orange Regiment to suppress in the most effectual manner any Injuries that may be offered by the Riotous and Injurious Assemblies, and such Officers and Soldiers are hereby required and Commanded to obey all such Orders as they shall receive from the Commander of the Regiment of Orange who I have empowered to make such requisitions as He shall think necessary for the effectual suppressing the said Riottors.

Given under my Hand & Seal at Arms at Wilmington the twenty seventh Day of April 1768.

By his Excellencys Command.

BEN^a HERON Sec.

To Colonel ---- of Commanding Officer of ---- Reg^t of Militia

[B. P. R. O. AM. & W. I. N. C. No. 216.]

Letter from Governor Tryon to Colonel Edmund Fanning

COUNCIL CHAMBER WILMINGTON

27th April 1768.

It was with a truly sensible concern, I perused last night your letter of the 23rd of April and the several letters transmitted therewith All of which I laid before His Maj^{ty}'s Council this morning, who after mature deliberation on their contents were unanimously of opinion that, I should issue the Proclamation enclosed, [see p. 721.—EDITOR] and also take all such other lawful measures, that may be requisite to suppress the insurrections, broke out among the inhabitants of Orange County — I confess few events in the course of my life, have given me more real concern, than the intelligence sent me of the general disaffection of your People. Is it possible that the same men, who I received with so much pride and happiness last year, and whose good behaviour, order & appearance has been the frequent subject of my reflection and conversation since, should now be loaded with opprobrious Titles of Insurgents and Violators of the Public Peace, that common right of Mankind in Society — This surely can only be an infatuation, instigated by a few Persons, whose characters are as desperate as their fortunes, and who having nothing themselves to loose, scruple not to involve men of a far different character and

stamp, into all the Calamities and Miseries of civil discord, and who out of the general confusion, assuredly hope that the increase of their fortunes, may keep pace, with the weight, & measure of their Crimes.

I am confident when that mist is dispersed, the honest, industrious and considerate men, will not only separate themselves, from such dangerous associations, but be zealous in seeing justice dispensed, on the Principals which deluded them. If any Grievance subsists in your County, the People have a proper Tribunal, by the Constitution of their Country to appeal to The Legislative Body — Every matter contained in their Petition which is stamped with Equity and Justice shall meet with my support, conditionally that I am informed that the people have dispersed to their several Habitations, and that Order and Tranquility is again restored to the County. But should they still be regardless of the measures (I think I may stile them of great indulgence) now pointed out to them, and commit further outrages, you may rest assured the most vigorous efforts of Administration, shall be exerted in the support of the Honour & Dignity of His Majesty's Government, and the due execution of the Laws of this Country.

I am &c.
WILLIAM TRYON.

[FROM MS. RECORDS IN OFFICE OF THE SECRETARY OF STATE.]

COUNCIL JOURNALS.

At a Council held at Wilmington 27th April 1768.

Present.

His Excellency the Governor

| | | | | |
|------------|---|-----------------|------------------|-------------|
| The Honble | { | James Hasell | Robert Palmer | } Esquires. |
| | | John Rutherford | Benjamin Heron | |
| | | Lewis DeRossett | and | |
| | | William Dry | Samuel Strudwick | |

His Excellency informed this Board, that he had received dispatches from Col. Fanning of the Orange Regiment of Militia giving him an Account of some disturbances from the Inhabitants of that County which dispatches His Excellency laid before the board, and desired their opinion what measures they would recommend Him to take to suppress the same, and prevent the Evil from

spreading through the province and becoming general, which from the present circumstances of the Country there is cause to apprehend. Then the several dispatches were read as follows Viz^t—Col Gray to Col Fanning 9th of April 1768—Colonel Fanning to Lieut. Col Gray the 13th April 1768, Adjutant Nash and Captain Hart to Col Fanning dated the 17th April 1768—And Col^o Fannings Letter from Hillsborough to His Excellency the Governor dated the 23^d April 1768. This Board having taken the same into consideration are of opinion that an absolute Insurrection of a dangerous tendency has broke out in Orange County, and that a Proclamation issue for suppressing the same.

Ordered, That a Proclamation issue in the following words Viz^t

NORTH CAROLINA

By His Excellency William Tryon Esq^r &c &c

A Proclamation.

Whereas information hath been made unto me, that several Riotous and disorderly persons in the County of Orange have confederated together to oppose the just Measures of Government, and Assembling themselves in a tumultuous Manner in Arms, have committed several outrages in open Violaton of the Laws of their Country, contrary to the professed loyalty of the Inhabitants of this province, highly derogatory to the Honour of His Majestys Crown and Dignity, and subversive of that security derived to every individual from a submission to order and good government.

I have therefore thought it expedient by and with the unanimous advice and consent of His Majestys Council to issue my Proclamation, strictly commanding and requiring all persons any ways concerned in such Insurrections immediately to disperse and retire to their Respective habitations submitting themselves to the Laws of their Country, and in case of refusal, I do hereby require and command all Officers Civil and Military to take all lawful means for suppressing the same, and all other persons are strictly required to be aiding and assisting therein as they shall answer the contrary at their peril.

Given under my hand and the Great Seal &c

WM. TRYON

God save the King

This Board recommends to His Excellency to issue orders to the Commanding Officers of the several adjacent Countys to hold themselves in readiness to March in support of this Proclamation.

His Excellency Ordered the Secretary to provide expresses to set out immediately with the said Orders.

[B. P. R. O. AMERICA & WEST INDIES. N. CAROLINA NO. 216.]

Letter from Colonel Spencer to Governor Tryon.

ANSON COUNTY. 28. April 1768.

As my duty and allegiance to His Maj: my respect to your Excellency's person and sincere attachment to your Administration prompt me to take the earliest opportunity to acquaint you with those matters which deeply concern the happiness of your Administration, the internal peace & security of the Province, and that Trust your Excellency has been pleased to repose in me, I beg leave to mention the unparalleled tumults, Insurrections and Commotions which at present distract this County. There have been for some weeks past frequent rumours of the objections and oppositions of many People in this County and the County of Orange to the Payment of the Taxes now due from them. It is now beyond a doubt that this disaffection has been stirred up and principally promoted in this County by a certain man, who for several Elections past of representatives for this County has constantly set up for a candidate of such Elections, and has been as often disappointed except once, which was some time before the last Division of this County. He seems now to have got to his last shift; and expecting a new writ of Election will soon be sent to his County for chosing another representative, in the room of M^r John Crawford, and being I doubt superior to no degree of meanness that he can think sufficient to effect his Purpose he is bent upon making his last effort in this desperate manner, for carrying his Election. He has not yet appeared openly in the Mob, because as some of them say he fears if he should be elected on that plan, he would be expelled the House. In consequence of such encouragement and instigation a considerable number of transient Persons, New Comers, Desperadoes, and those who have not paid a tax for several years past were prevailed upon to resist the Sheriff in collecting the Taxes upon pretence that several parts of them were

unjust. Clamours have been most industriously and maliciously raised against the Members of the Assembly, the Justices of the County and all those who have had any hand in the present taxation. By which means many of the unthinking and unwary have been galled into the scheme of Insurrection, & rebellion, and consequently added to their number till at length matters have been carried to that height that upon Thursday last, the first day of this Term, they came up to the Court House to the number of about forty armed with Clubs and some Fire Arms and before the opening of the Court, took possession of the Court House and soon gave out that no Court should be held there. It grew late in the afternoon and a sufficient number of Justices not appearing to constitute a Court, it became necessary that one Justice should open the Court and adjourn till the next morning—I therefore declared my resolution, as did Mr Medlock and some others to enter the Court House for opening the Court at all Adventures, and I proceeded about half the way from my Office to the Court House door, and was met by some of my Friends, who entreated me to desist for a few minutes till they could inform the Mob of our full determination to fight our way thro' them. Whereupon I was persuaded to return to my Office where I stayed some minutes in infinitely more uneasiness from being entirely out of Action, than I felt in approaching the Mob, who besides their numbers had much the advantage of the Ground, but my friends for that time prevailed and the Mob being told of certain and inevitable Bloodshed if they persisted for that we would actually force our way to the Table and the Bench gave up the point, and we came in & opened the Court without resistance. This unparalleled Arrogance can hardly be accounted for but from a particular stratagem of the intended candidate above mentioned, and the readiness of those that constitute the Mob, to evade the payment of their debts by obstructing the Proceedings at Law. But this morning after the Court had met some time, the Mob appeared in a much larger number than they did the first day of the Court consisting of perhaps a hundred men, and came armed as before mentioned to the Court House Door, made a great deal of noise & uproar, behaved very saucy and arrogant & threatened to come in and take the Magistrates off the Bench. Whereupon I went to the door, & demanded of them what they would have. They told me they came to settle some matters in the County for which they wanted the use of

the Court House, I immediately then proceeded to read to them a clause of the Act of Parliament of 1st of Geo. 1st against riot and unlawful Assemblies, and procured the Proclamation therein prescribed, to be made for their dispersing themselves &c. They seemed greatly exasperated, and lifted up their clubs and threatened — But as I and some others with me appeared to be on the Defensive they seemed to desist a little, & proposed that a few of their Company should come into the Court House, and in the name of the whole set forth those Grievances, they wanted to have redressed. Accordingly I retired to the Table, for the transaction of the business of my Office, as Clerk of the Court, and after some time some of them came in, and after them came all the rest. They said among other things they desired to know what they were taxed for? Whereupon I rose up & explained to them the nature of Taxation, and whence the reasonableness and necessity of it was derived. And proceeded to give them an acc^t of each particular for which they were taxed by the Assembly, and then shewed them the several Articles for which the Court had taxed them, for defraying the Charges of the County. They declared they had nothing against me upon what I had said to them, but were dissatisfied with the several allowances the justices had made for raising the County Tax. Accordingly one of them having desired to speak with M^r Medlock privately he walked off the Bench, having before declared his intention of firing the first man thro' the Body who should offer to molest him in the execution of his Office as a justice of this Court — By this stratagem the only man was removed from the Bench from whom they expected any desperate resistance. Whereupon they immediately without ceremony took the other justices off the Bench, and entirely obstructed the Proceedings of the Court — They offered no direct insult to me, but told me they did not desire to hurt me, nor my Papers and records. Tho' before that they had signified their design of taking the records from me, and perusing them, till I assured them that not one of them by any means should go out of my possession, but at the Peril of the life of him, that should take them from me. They then proceeded to appoint some Officers among themselves, and held several Debates and Consultations, and among the rest whether they should tear down the Court House and the Gaol. The matter was very warmly debated, pro and con but as some of them chose the Court House should be where it is, and some wanted it moved, they at length

agreed to let it stand, and after declaring their resolution to resist the Sheriff in serving any process or collecting of Taxes, Their right to know what Bills were sent to the Grand Jury, and their intention to meet again at the next Court, they marched out and soon after dispersed themselves; But not before (as I am told) they had unanimously chosen M^r Charles Robinson their representative to the General Assembly of this Province in the room of M^r John Crawford without giving your Excellency the trouble of issuing a new Writ of Election on that vacancy. Their Arrogance is insupportable and the whole County is thrown into such confusion that I am at a loss to tell what measures it will be prudent to take on this Occasion — It has been proposed to me to raise the Militia immediately and to quell the rioters by force of Arms, but whether the seeds of Disaffection to the Payment of Taxes are not so generally sowed through the whole County that few can be found to resist the Mob with resolution and sincerity I am at a loss to say. And whether the appointment of a general muster at this juncture of time would not be likely to give the Disaffected an opportunity of being more mischievous and dangerous than otherwise I most humbly submit to your Excellency and should be extremely glad of your advice and direction on this occasion. And as I apprehend the Writ of Election is not yet issued to this County for choosing another representative in the room of M^r Crawford, I beg leave to entreat your Excell^{ty} not by any means to send up the Writ of Election till these unheard of and surprising commotions have at least in some measure subsided. For if an Election were now at hand it is hard to tell the number of ill consequences that must inevitably follow thereupon. I hope your Excell^{ty} will excuse the freedom and plainness of this letter, & that the peculiar circumstances of the times & the hurry of business I am at present in will apologise for the defects & incorrectness of it. For further particulars I must beg leave to refer your Excellency to M^r Hooper who was present during the extraordinary transactions above related — I am obliged to a number of my friends who have with uncommon firmness and assiduity endeavoured with me to suppress the outrages & violence of the rabble on this occasion particularly Colonel Antho: Hutchins, M^r Medlock, M^r Dunn, M^r Martin and M^r Hooper. I have by some of these Gentlemen's assistance procured a list of names of some of the Mob, subscribed to their Articles of Association & the oath they have thereupon taken which your Exc^{ty} finds herewith inclosed. I

wait with impatience to know what measures your Ex^{cy} in your wisdom and prudence shall think fit to be taken in this respect.

I am, with the greatest respect, &c.,

SAMUEL SPENCER.

Rules and Resolves entered into by the Anson Mob. Viz^t

Whereas the Tax for the present year is very high part of which, unseen seem to many unlawful and unnecessary, that together with the great scarcity of Money that have put it out of our power to make payment of the same, and we the subscribers being in that circumstance and also willing to consider the Public, that we are sensible of oppressions and therefore have thought convenient to stay the payment of the Tax aforesaid, not but what we acknowledge ourselves true and lawful subjects to the crown of Great Britain and therefore have entered into a league with each other and have taken the following Oath & subscribed our name, being willing to pay four shillings for Kings Dues.

THE OATH

I A. B. do promise and swear that if any Officer or any other Person do make distress on any of the goods or other Estate of any Person sworn herein being a subscriber for the non-payment of the said Tax that I will with other sufficient assistance go take if in my power from the said Officer and restore it to the party from whom taken and in case any one concerned herein should be imprisoned or under an arrest or otherwise confined, or his Estate or any part thereof by reason or means of joining into this Company of Regulators for the non-payment of Taxes, that I will immediately do my best endeavour to raise as many of the said subscribers as will be of force sufficient and if in my power set the said Person and his Estate at liberty and I do further promise and swear that if in case this our scheme should be broke or otherwise give out our intention, any of our Company should be put to any expence or be put under any confinement that I will bear an equal share with those in trying to pay and make up the sufferer, all these things I do promise and swear and subscribe my name.

The above Oath was taken & subscribed by a large Body of the Inhabitants in Anson County.

Letter from Governor Tryon to Colonel Spencer

BRUNSWICK May 1768.

The Contents of your letter of the 28th of last month delivered by Mr Hooper gave me real Concern. The Proclamation now transmitted to you, requiring the Rioters to disperse, and return to a dutiful obedience to the Laws of their Country, will I flatter myself have its desired and proper effect. As the authority I herewith give you, to raise the Anson Regiment of Militia as occasion may require, will enable you to apprehend and secure the Ringleaders and Principals of the late Disturbance till they can be brought to trial as well as to repel any future attempts, to disturb the order of Government, or Indignities that may be offered to the Magistrates of your County, particularly while in the execution of their Office. The rules and Oath of the Insurgents, Copies of which you sent me are both of the same complexion, the first without Consistency, the latter without Validity. The most solemn Oaths derive their existence in Law. They are not otherwise binding than as they are legal. The above Oath therefore that was taken to renounce obedience to the Constitutional Laws of their Country, saps the foundation on which solemn Obligations must rest, consequently falls of itself to the Ground and discharges the Parties from any Obligations to it, being rash, inconsistent and illegal.

If the Anson People labour under any real Grievances let them present them in a Petition to the General Assembly, or to me singly, if within my Power of relief in either case, I am persuaded they will experience a proportionable redress to every Grievance that is founded in Equity and Reason.

I am much obliged to you for the favorable Terms in which you express your regard and attachment to my administration, which can be only happy and honorable, but as it is intimately connected with the credit of the Province, and the prosperity of its inhabitants—It is true I do not form my Opinion of the whole, from a few Incendiaries who are more desperate perhaps in their Fortunes than in their Courage. But it is to my great astonishment that such men should run away with the understanding of the many, who upon the least cool reflection must discover the delusion, and the madness of such conduct and behaviour. As ardently as I wish the distractions which threaten the peace of this Country may be properly terminated, the authors of them may be certain, I feel too pow-

erful a concern for the honour of His Majesty's Government, and the general Good of His subjects here to stand a calm spectator, and suffer the most dissolute part of the inhabitants of this Province to pay off their Public Taxes by Insurrections.

As you are well acquainted with the nature of Taxation I shall only observe that it is the indispensable Lot of Mankind who live in Society, to give a part of their Property to that Government which affords them a secure and quiet enjoyment of the remainder. Thereupon whoever refuses to pay such part which the Occasions of Government may require, forfeits his title of Protection from it and leaves his Family and Property at the Will of his lawless Associates, & himself at the mercy of the Laws of his Country, which can never want vigor and force sufficient to support its dignity and efficacy.

This contagion and disaffection has spread from Anson to Orange County. My Secretary Mr Edwards has been at Hillsborough, where by the firmness and active conduct of Colonel Fanning, his Officers and a few men, together with the Assurance made the Rioters by Mr Edwards that I should be ready to hearken to any real imposition or distress they might labour under, they dispersed themselves with a resolution to state their Grievances to me by Petition. If it is possible to come at the Person you acquaint me avoids appearing publicly with the rioters tho' a Leader in their Councils I wish Justice might be extended towards him—I had much rather bring that man to the Tribunal of His Country who gives a stab unseen than an humble Person who openly confronts the Dangers to which he exposes himself.

The assistance you have already experienced from the Gentlemen you mention is very agreeable to me; I desire you will present my Compliments and thanks to these Gentlemen for their endeavours to prevent the insults that were offered to them in their Public character. I trust if they are again put to the like Trial they will with your Assistance and the Powers you are now vested with be able both to repel and resent such indignities—

If you should have occasion to apply to me for further aid your Dispatches will find me at Hillsborough the latter end of next month.

I am, &c.

WILLIAM TRYON.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

COUNCIL JOURNALS.

At a Council held at Wilmington 29th April 1768

Present

His Excellency the Governor

| | | | | |
|------------|---|------------------|----------------|------------|
| The Honble | { | James Hasell | Benjamin Heron | } Esquires |
| | | Lewis DeRossett | Robert Palmer | |
| | | Samuel Strudwick | | |

His Excellency by the advice of His Majestys Council issued a General Commission of the Peace. Ordered a Proclamation issue notifying the same in the following words, Viz^t.

NORTH CAROLINA.

By His Excellency William Tryon Esquire &c.

A Proclamation —

Whereas, I have this day issued a General Commission appointing the Members of His Majestys Council, The Chief Justice, Chief Baron, Associate Justices, Attorney General, Auditor General, Receiver General, Secretary, Surveyor General and Clerk of the Crown, Justices in and throughout this Province —

I have therefore thought fit by and with the advice of His Majestys Council to issue this my Proclamation requiring and Commanding all Sheriffs, Constables, and other His Majestys subjects within this Province to pay due obedience to the said Commission

Given under my hand and the Great Seal &c.

Under which Commission, The Honble James Hasell, Lewis DeRossett, Robert Palmer, Benjamin Heron and Samuel Strudwick Esq^{rs}, Qualified and took the Oaths by Law appointed and subscribed the Test.

His Excellency proposed to this Board that the General Assembly that now stands prorogued to the 31st of May next should be prorogued to the 15th June following, which measure the Council unanimously approving — Ordered a proclamation issue accordingly —

NORTH CAROLINA.

By His Excellency William Tryon Esquire &c &c
A Proclamation,

Whereas the General Assembly of this Province stands prorogued to the 31st of May next

I have therefore thought proper by and with the advice of His Majesty's Council, further to prorogue the said Assembly to the 15th of June following.

Given under my hand and the Great Seal &c

W^m. TRYON.

Ordered that the Secretary advertize the Court of Claims to be held at Wilmington on the 20th day of November next.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

NORTH CAROLINA—SS

George the Third by the Grace of God of Great Britain, France and Ireland King Defender of the Faith, &c^a &c^a &c^b—

To our Trusty & Well beloved James Hasell, John Rutherford, Lewis Henry DeRossett, John Sampson, Alexander McCulloch, William Dry, Robert Palmer, Samuel Strudwick, Marten Howard, Sam: Cornel, Sir N: Duckenfield, Marmaduke Jones Esquires Members of our Council of State for our said Province, and To the Members of our Council for the time being

Know Ye That We have Assigned and appointed you and each of you Jointly and Severally our Justices to keep our Peace within and throughout our Province of North Carolina to keep and cause to be kept all Ordinancés and Statutes and Acts of Assembly of our said Province for the good of the Peace and Preservation of the same, and for the Quiet Rule and Government of our People in the said Province (as well within Liberties as without) according to the Form and Effect of the same, and to Chastise and Punish all Persons that Offend against the Form of those Ordinances, Liberties and Acts of Assembly, and to cause to come before you or any of you all those who to any one or more of our People concerning their Bodies or the Firing of their Houses have used threats, to find sufficient security for the Peace or their good behaviour towards us

and our People, and if they shall refuse to find such Security, then them in our Prisons until they shall find such Security to cause to be safely kept, and also to Cause to come before you or any of you all those who have Committed any Treasons, Felonies, Poysonings, Enchantments, Sorceries, Art Magick Trespasses and Extortions whatsoever within our said Province; And also all those who in our said Province in Companies against our Peace in Disturbance of our People with armed force have gone or rode or who shall hereafter presume to go or ride, and also all those who have there lain in wait, or who shall presume to lay in wait, and them in our Prisons to cause to be safely kept, untill they shall be discharged by due Course of Law, or otherwise dealt with according as by the said Ordinances, Statutes, and Acts Assembly is directed, or shall be directed, and ought to be done.

Witness our Trusty and Well beloved William Tryon Esquire our Captain General and Governor in Chief in and over our said Province at Wilmington the twenty ninth day of April in Eighth Year of our Reign and In the Year of our Lord One Thousand seven Hundred and Sixty eight

W^m. TRYON

By His Excellency's Command

BENJ. HERON Sec.

[B. P. R. O. AM. & W. I. N. C. No. 216.]

REGULATORS' ADVERTISEMENT N^o. 8.

At a general meeting of the regulators on April the 30th it was laid before us an Appointment of the Officers by the means of the Rev^d M^r Micklejohn to meet us the 11th day of May next to settle the several matters of difference between us and it was agreed on that we will send 12 men that we have chosen to meet on the said 11th day of May at Thomas Lindley's when We hope things will be set in a fair way for an amicable settlement and M^r Hamilton is appointed to contrive them a Copy hereof and bring from under our [their] hands if they will meet us.

John Pryor
Rednap Howell
John Burtson

John Marshall
Hermon Husband
William Maffet

George Henry
Charles Smith
James Hunter
John Butler

William Cox
Simon Dixon
Thomas Christian

Appointed Settlers.

At a Convention of the Regulators & Associators held at George Adam Sallings [Sally's] on Rocky River April 30, 1768 — The following Articles of Settlement and Oath were agreed on —

Instructions to the Settlers appointed by the Country.

1. Procure for us a List of the Taxables for the years of the two late Sheriffs with a list of the names of the insolvents and delinquents they returned.

2. Procure us a fair accompt of the money paid and to what uses applied with a citation of every Law for the same.

3. Procure us a Copy of all the several particulars of the Tax for 1767 with a Citation precisely of every Law for the same, endeavour to be satisfied in your judgment that it is agreeable to the intent and meaning of it so as you may be able to satisfy us.

4. Procure also an Account of the County and Parish Tax for the same year endeavouring in the same manner to inform yourselves of its agreeableness in every particular.

5. Examine the true Cost by Law for Recording and proving Deeds.

6. Examine the true Cost by Law for Letters of Administration, Letters Testamentary, Indentures and Fees in Common Law.

The form of the Oath or Declaration.

We do swear or declare that we will in all the above mentioned Articles of the Settlement between the Officers and the Country do equal right and justice after our cunning, wit and power according to Law as far as we know or can find out that we will not wrong any for Fee, Gift or Reward but will truly act honestly as Settlers for the Country and that We will not suffer any Officer to have his Oath in any matter depending before us but will have them settle according to Law producing Receipts and other sufficient Discharges for the Countrys money with Lists of the Insolvents for every year.

[B. P. R. O. A. & W. I. N. C. No. 216.]

REGULATORS' ADVERTISEMENT N^o. 9.

TO THE GOVERNOR & COUNCILL &c.

The humble Petition of us the Subscribers sheweth that We the Inhabitants of Orange County pay larger Fees for recording Deeds than any of the adjacent Counties and many other Fees more than the Law allows by all that We can make out from which a jealosie prevails that we are misused and application has been made to our representatives to satisfy us But we were disregarded in the said application upon which the said discontent growing more and more so as to threaten a disturbance of the public peace, we therefore beg that those matters may be taken under your serious consideration and interpose in our Favour so that we may have a fair hearing in this matter and [be] redressed where we have been wronged Our complaints are too numerous and long to be notified in a Petition, but have sent herewith copies of the Applications Petitions &c that has been made on this Occasion with a small sketch of our Misusage and begging your protection and aprobation in so just and equitable an undertaking and an opportunity to be heard We conclude your humble Petitioners.

| | | |
|----------------------------|-----------------------------------|-----------------------------------|
| Simon Hadley | John Wilson | William Copeland Jun ^r |
| John Youngblood | Joseph Park | William Dunkin |
| John Bullen | William English | John Marshills |
| James Barpes | Tho ^s Youngblood | William Caps |
| Peter Youngblood | Nickless Brewer | Abram Bradley |
| George Wilson | Rednap Howell | Laurence Bradley |
| James Youngblood | David Smith | Charles White |
| Samuel Dark | William Copeland Sen ^r | Joseph Clark |
| William Paine | Thomas Glover | James Will ^s |
| John Grubbs | Enoch Spinks | Benjamin Grubbs |
| James Barns | Eshmael Williams | John Erwin |
| Rich ^d Copeland | Luke Welsh | David Brown |
| William Levy | Jacob M ^c Danil | James Wilson |
| Brinceley Barnes | Nehe ^b Williams | Andre Jones |
| Eron Harlow | — Brown | Enoch Pugh |
| Ulrick Whit | John Maudlin | Matthew Davis |
| John Baxtor | John Henderson | Alex: Kenedy |

| | | |
|-----------------------------|----------------------------|-----------------|
| John Bricks | Marton Firnier | Walter Walsh |
| John Crow | John Ramsey | Mansfield Crow |
| Richard Smith | Will Boilstone | Thomas Waller |
| David Thornton | Larance Muchucenes | Tho. Alexanders |
| Thomas Riddle | Eron Stinton | Jacob Grigg |
| Jeremiah Melton | Andrew Culbison | Jacob Grigg |
| Jonie Maudlin | Robert Wilkins | Henry Bray |
| Randolph Check | Nath: Henderson | Henry Welch |
| Benjamin Maudlin | Thomas Moore | Nicholas Barker |
| James Willet | William Sanders | Thomas Cox |
| Charles Landron | Tho. Branson | Jesse Harrison |
| Aaron Evans | Josiah Rogers | John Hart |
| Jere ^b Duckworth | Thomas Thornton | John Fike |
| Noel Brur | Sam ^l Culberson | John Smith |
| George Adam Salling | Thomas Pugh | Daniel Smith |
| Frances Dorset | Edward Teage | Adam Moser |
| William Jons | J ⁿ Hornaday | Jacob Whit |
| James Emberson | Enoch Davis | Edward Bray |
| Tho ^s Sellers | Rich: Henderson | Daniel |
| Thomas Ham ^m | | |

To another Petition the same as the last were subscribed the following names viz

| | | |
|--------------------------|--------------------------|-------------------------|
| Henry Smith | Solomon Cox | John Murphey |
| Cornelius Latham | Thomas Jones | Joseph Carr |
| Alex ^r Awtry | Thomas Bailey | Frederick Temple |
| Thomas Hopper | Thomas Craven | John White |
| Richard Webb | James Murray | John Graves |
| Daniel McCay | James Copeland | David Jackson |
| William Green | John Penton | Edward Moore |
| Peter Cravin | William Hutson | Peter Craven |
| Jacob Horn | Math: English | Joseph Craven |
| Calib Dixon | Patrick Calley | James Pugh |
| W ^m Henderson | Ayen Brady | John Raines |
| Abr ^m Hammer | John Sidewell | John Tarrance |
| Neh: Howard | Rich ^d Hutson | Sam ^l Latham |
| Sam ^l Barker | W ^m Moffit | Peter Vonstrauoer |
| Thomas Needom | John Pugh | Adam Andriss |
| W ^m Needom | Joseph Sutton | Conrad Andriss |
| Joshua Edwards | Jeffrey Beck | |

Also to a third Petition of the same kind were the following Names.

| | | |
|----------------|----------------|-----------------|
| George Raines | Thomas Grames | Nehemiah Odle |
| Joseph Henson | Patrick Kelly | Edward Lang |
| Timothy Tukins | Prusley Wren | Abraham Stroud |
| William Henson | Harmon Cox | Walter Ashmore. |
| | Stephen Harlan | |

There is also on loose sheets of Paper the following names which it is presumed were subscribed to the above Petition —

| | | |
|---|---|---|
| Jacob Fudge | John Fudge | Tho ^s Hendrey Sen ^r |
| George Hendrey | Tho ^s Hendrey Jun ^r | Gid ^a Gilbert Sen ^r |
| James Williams | James Maudlin | John Fruit |
| John Macvay | Benjamin Maudlin | Richard Smith |
| Gid ^a Gilbert jun ^r | Daniel Brown | Thomas Swift |
| Charles Goldstone | James ^{his} X ^{mark} Hugh | Jacob Marshall |
| W ^m Drinkin | John Boe | Joshua Hadley |
| Charles Miles | James Willet | John Aeuage |
| Daniel Dowdy | Isaac Brooks | John Croswell |
| John Miles sen ^r | W ^m Tomson | Muicher Lille |
| Robert Wilkins | John Brooks | Jacob Dobbins |
| W ^m Bannistor | James Brooks | Ely Branson |
| W ^m Wilkins | Walter Welch | Tho. Thorntown |
| Alex: Wilkins | G ^o Adam Salling | Jn ^o Marswaine |
| W ^m Caps | Tho ^s Fullar | Tho ^s Beaty |
| Francis Pooey | Jn ^o Youngblood | Tho ^s Wilborne |
| Randol Check | Peter Youngblood | Tho ^s Moon |
| Jerem: Melton | Amos Vernon | Samuel Skin |
| John Miles jun ^r | James Brown | W ^m Marly |
| Nathaniel Powel | Robert Brown | John Cowen |
| Oyen Doud | Jonathan Davis | Daniel Sanders |
| Neh: Howard | Tho ^s . Davis | Uldrie White |
| Umfrey Pooey | Jesse Hadly | Gilbard Croswell |
| Thomas Miles | Abra: Thornton | Peter Givil |
| W ^m Barber | John Smith | Hendry Senderman |
| Rich ^d Barber | John Brox | John Paterson |
| Solomon Morgan | Nich: Aldridge | John Barton |
| John Wilkins | Roger Marfey | John Bery |
| W ^m Learey | W ^m Tague | Will Smith |
| Philip Hartzo | Howel Brooer | Slan Richardson |

| | | |
|--------------------------------------|---|---------------------------------------|
| Marverick Layux | Charles White | Aquila Jones |
| Jonathan Gilbert | James Aldridge | Charles Jones |
| Joshua Gilbert | W ^m Ward | Thomas Jones |
| John Miles jun ^r | James Brantley | John Moris |
| John Maudlin | Benj ^r : Braswell | Ja ^s Oliver |
| Joseph Boggs | John York | John Barnes |
| John Noe | Robert Delap | Tho ^s . Greaves |
| John Hilton | Enoch Pugh | James Ramsey |
| Larance Marmanee | John Shiphard | W ^m Greaves |
| John Capin | Tho. Roberson | Richard Wineham |
| Nath: Henderson | Charles Clauton | James Ellis |
| W ^m Croswell | Nichlos Coplin | John Duncum |
| Daniel Winter | Argulus Henderson | W ^m Alrid sen ^r |
| Frances Cheny | Benj ^m Clanton | W ^m Alrid jun ^r |
| Michael Ramsouer | Valentine Corlin | W ^m Norton |
| John White | Nicklos Coplin | Thos Ranetalor |
| John Hart | John Fuller | W ^m Craswill |
| Zach: Harman | Tho ^s Fuller | John Craswill |
| Rubin Landrum | Tho ^s Coplin | Tho ^s Bellhany |
| Tho: Sellers | Joshay Fuller | Archey Lane |
| Hermion Husbans | James Bly | W ^m Cane |
| Nimian Hamilton | Jn ^o M ^c Clelland | Tho ^s Melone |
| W ^m Butler | James Aiken | James Davis |
| Stephen Jones | Timothy Penton | James Christian |
| Peter Richerson | Joseph Routh | Tho ^s Feutral |
| Sam Curtis | John Gapen | Jacob Rogers |
| Stephen Owen | Patrick M ^c Swaine | Hyrarn Rogers |
| James Morgan | Drury Rollins | Sion Rogers |
| Thomas Green | Tho ^s Wilson | Hysom Waver |
| W ^m Ward | Peter Youngblood | Damsey Roles |
| James Burgiss | Tho ^s Elick Sanders | James Younger |
| Barth: Dunn | John Wilkins | W ^m Morrow |
| W ^m Ward jun ^r | Alex. Wilkins | Joseph Foshea |
| Philbert Wright | Howell Brewer | W ^m Mitchell |
| W ^m Hintrand | Philip Sitton | W ^m Fany |

There was also eleven Dutch names on this side which the English reader could not make out.

| | | |
|-------------------------------|------------------------------|------------------------------|
| Jos. Jonson | John Fanin | Peter Ceinght |
| Tho ^s Hill | James Moffitt | W ^m Springfellow |
| Zekel Thomas | Joshua Hadley | W ^m Walker |
| John Clap | George Cortner | Joseph Richerson |
| W ^m Gillmore | Peter Cortner | John Par |
| Jesse Pugh | John Goble | Lodwick Clapp |
| Bartoledum Dun | Nicholas Goble | John Walker |
| Peter Julian jun ^r | Philip Shew sen ^r | Ezekel Cure |
| Joseph Chafen | George Navit | George Clap |
| Adam Larence | Nathan Aldridge | Tobias Clap |
| Tho. Kumian | John Morris | John Pleourt |
| Joseph Phipps | Timothy Code | Abr ^m Hilton |
| John Flemmin | James Hunter | Philip Shaw jun ^r |
| John Phipps | Robert Walker | Barnit Swing |
| Peter Smith | Samuel Devine | Lodwick Swing |
| Peter Julian sen ^r | James Sweany | Henry Strader |
| George Goble | Joseph Sweany | Christen Fall |
| W ^m Kiniman | Tho. Hamilton | Conrad Shoemaker |
| Hugh Wyley | W ^m Davis | Jacob Soots |
| James Phipps | Jerem: Fields | Michael Honest |
| Stephen Johns | W ^m Jones | Jacob Droy |
| W ^m Rancy | John Berry | Nich: Hillerman |
| Powel Glase | Jacob Johns sen ^r | Christian Sike |
| Philip Glase sen ^r | Jacob Johns jun ^r | Jacob Christman |
| Philip Glase jun ^r | Arch: Hamilton | John Luin |
| Christian Glase | David Ruine | James Low |
| James White | John McCoy | James Oliver |
| Augustin White | Ruddy Morgan | Jacob Stelie |
| George Glase | Arch ^d McCoy | |
| | Henry Pickral | |

There are twenty names in Dutch which I can't read.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to the Earl of Shelburne,

BRUNSWICK 30th April 1768.

The honor of your letter N^o 7 of the 14th of November last afforded me inexpressible joy, in the testimonies it gave me of the King's

entire approbation of my conduct, and that the state and polity of this province met with his Majesty's gracious acceptance, I humbly beg your Lordship to assure his Majesty I feel the most grateful and dutiful acknowledgment for this instance of his goodness towards me. Secure of my sovereigns good will I shall march on with spirit and cheerfulness in the discharge of the duties he has entrusted me with, being fully satisfied as long as I am blessed with his royal sanction and approbation, my pursuits will be directed to the noblest purposes of life, in the service of my king and country.

Mr. Rutherford and the other Commissioners who settled the boundary line with the indians, have expressed the highest sense of duty and obligation to his Majesty for the honor of his approbation of their conduct on that service. I shall use every means in my power to prevent any encroachments being made on the indian lands by the inhabitants of this province, should any be attempted. Since the running of the partition line I have not heard the least complaint on either side.

I am, &c.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

Know all Men by these presents that We Allen Jones Willie Jones & Harwood Jones ——— of the Province of North Carolina stand justly Indebted to our Sovereign Lord the King his Heirs and Successors in the full and just Sum of two thousand pounds Proclamation Money. To which payment well and truly to be made We bind ourselves our Heirs Ex^{ors} & Adm^{ors} jointly and severally firmly by these Presents. Witness our Hands and Seals this ----- Day of April Anno Dom 1768.

The Condition of the above Obligation is such that Whereas the above bound Allen Jones is by a Commission under the Hand & Seal of the Honorable Martin Howard Esquire & bearing Date the 17th Day of January 1768 appointed Clerk of the Superior Court of Justice for the District of Halifax if therefore the said Allen Jones do & shall well and truly discharge the Duties of his said Office, and as Clerk of the said Superior Court shall safely keep all Records committed to his Charge

Then the above Obligation to be void and of no Effect otherwise to remain in full force and Justice.

ALLEN JONES
WILLIE JONES
HARWOOD JONES

Signed Sealed and Delivered in presence of

ED HAYNES
EDW^d MONTFORD

[B. P. R. O. AM. & W. I. N. C. No. 216.]

ADVERTISEMENT.

In consequence of the above Proclamation [for Proclamation see *ante* page 721 — EDITOR] and in obedience to His Excellency's Command signified to me under his hand and seal at arms and received yesterday by an Express I have thought proper thus to publish to my friends, the friends to his Majesty, the Peace, Quiet and Happiness of this my favorite county, the hearty concern which I feel for the miserable situation of this County, at this present, compared with its late happy and flourishing state. Its but a few months ago since I prided myself more, on being the Representative of this People, and the opportunity which I had to exert myself in its interest & the general good of the Community to which I belong than to any single circumstance of my life. I gloried in the name of an Orange man, and was happy in seeing and experiencing the favorable, obliging and willing aid & concurrence of His Excellency the Governor, the hon^{ble} Members of His Majesty's Council, and the members of the General Assembly, to bring Law, and Justice to be administered at our own doors, and to grant every other benefit and indulgence, which a happy and free people, under the Administration of a Governor in blessing to our land appointed by our most gracious Sovereign to rule over us, could hope or wish for, while we discovered the spirit of loyalty, to His Majesty & obedience to His Laws, and am authorized by His Excellency to say, if any Grievance subsists, in this County if the same is made known by a suitable Petition, to the legislative Body it shall meet with his support if they make themselves the deserving Objects, of the legisla-

tive notice, by immediately dispersing to their several Habitations by behaving themselves in an orderly and peaceable manner and by paying a due and proper Obedience to the Laws, such my friends is the unequalled beneficence of His Excellency, from which I am promised to hope that all such honest, industrious and well-meaning Persons, who have unwarily and unadvisedly entered into the unlawful, and to them only dangerous Conspiracy against His Majesty's Laws and Government, will if they pay a suitable regard to His Excellency's Proclamation be exempted from Punishment or Damages for their past conduct. At the same time I must inform them, that 'tis proper to let me know of such their disapprobation of their past conduct and they shall find me a Friend to their Cause, and I declare in the integrity of my soul that I ever have been to the true Interest, and happiness of this County, Neither in my soul do I believe that the Public has ever been cheated or wronged by the Burgesses, Justices, Vestry or Sheriffs, in their Public settlements, I neither design or wish any Violence or Injury, to any man. Neither do I intend to suffer any injury myself but I intend to use my endeavors to enforce an obedience to His Majesty's Laws & Governments & if there are not loyal subjects enough in this County to do it, a People in whose Countenance at a late General Muster, I thought I could discover the spirit of loyalty, in-stamped in the most legible characters, I have Orders from His Excellency to call to my aid the regiment of Militia of Halifax, Bertie, Granville, Johnston, Cumberland, Anson, Rowan and Mecklenburgh, and if they are insufficient I have still further assistance promised, and that at hand, and the daring Insurgents and Violators of His Majesty's Peace, and the Laws of the Government, and the common rights of mankind may not after this expect, if they continue in their seditious, riotous and tumultuous Practices no exemption or mitigation of Punishment for their crimes

Given under my hand at Hillsborough the 1st May 1768

EDM^d. FANNING

God save the King

[B. P. R. O AM. & W. INDIES. N. C. No. 216.]

Letter from Colonel Fanning to M^r Jacob Fudge

HILLSBOROUGH May 1st 1768.

I am pleased with your pacific, prudent and orderly conduct since I saw you last, and convinced from thence that you are a man of sense and reason and therefore should be glad to see you, M^r Richard Check, and M^r Benjamin Saxon in Town on Tuesday next without fail, you shall be used and treated kindly, and civilly and I am hopeful by your and the other Gentlemen's suitable conduct there will be no more tumultuous and riotous Assemblies had, or instances of open and lawless violence committed, for as I told you before, and I repeat it now again, that I declare in my conscience I am, and ever was ready to give all the Information in my Power to satisfy and convince the People why and wherefore Taxes have been laid, and to what Purposes they have been applied. That if the People of Orange labour under any public Grievance, let some few of them come to me, and I will draw a Petition to the Governor, Council & Assembly for a relief and will prefer it at the next meeting of the Assembly; and if they have suffered any private injury, they shall if they apply to me, find certain and sure redress, by the Laws of the Land — Let me intreat you to visit me, as soon as possible as you regard the Peace, quiet and safety of the People, & the good order of the Government, but at the same time I must inform you, that I will not suffer any Insurrection, or Outrage to be committed and I have Orders from the Governor by an Express yesterday to raise our own Militia, and the Militia of Halifax, Bute, Granville, Johnston, Cumberland, Anson, Mecklenburgh and Rowan, to suppress the Insurrections and if it be necessary he will come himself to enforce an Obedience, and subjection to His Majesty and his Laws, and to prevent further trouble and perhaps mischief, but I do not intend that Violence shall be offered to any one if I can prevent it.

M^r Fudge I have taken the Liberty of thus writing to you, as I have talked with you on this Subject and as you have declared to me, your entire satisfaction on the matter.

I am Sir &c
EDMUND FANNING.

P. S. I have sent a Copy of this to M^r Cheek & M^r Saxon.

Yours &c. E. F.

[FROM MS. RECORDS IN OFFICE OF THE SECRETARY OF STATE.]

THE KING
vs
 HARMOND HUSBAND } Warrant
 Ex^d

TYREE HARRIS Shrrf

NORTH CAROLINA }
 Orange County }

Whereas Information on Oath hath been made before me Thomas Lloyd one of his Majesty's Justices of the peace for the County of Orange aforesaid That there is Just Cause to Suspect Harmond Husband of the said County of being guilty of Traterously and feloniously Conspiring with others in stirring up an Insurrection among his Majesty's Liege Subjects of the County aforesaid and endeavouring by seditious libellous and Traterous practices to withdraw divers Inhabitants of the said County subjects of our Lord the King from their Natural Obediences to our said Lord the King and Excite them to act in open Rebellion to his Government & Laws.

These are therefore in his Majesty's Name to Require and Command you to take the Body of the said Harmond Husband and bring him before me to be Examined touching the above premises given under my hand and seal this first day of May in the Eighth year of the Reign of our Sovereign Lord George the third King of great Brittain &c. Anno Domⁱ 1768.

THOS. LLOYD.

To the Sheriff of Orange

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

TO THE JUSTICES AND OTHER CONSERVATORS OF THE PEACE FOR THE
 COUNTY OF ORANGE.

Whereas there hath lately been an Insurrection among the Inhabitants of the aforesaid County. If therefore any of them should be apprehended and brought before you or any of you to be examined for having been Engaged in Confederating in the said Insurrections and should be thought on Examination to have been any way Concerned by Acting or Counseling Aiding or Abeting

to the late Riotous assemblies and Traterous Conspiracies, I as Deputy Attorney for Our Sovereign Lord the King for the County of Orange aforesaid direct such of the Insurgents or any of them be sent to the publick Gaol of the District of Wilmington or Newbern, it appearing to Me necessary that they should be prosecuted in one or the other of those Districts for the aforesaid Offences.

Given under my hand at Hillsborough this first day of May 1768

JOHN WILLIAMS Jr^r, D. Att^o pro Regi.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

Letter from Captain Paine to Col. Fanning.

Agreeable to your Request I have Sent this Messenger to Receive Your Commands. I have Appointed my Men to meet me by Nine O'clock on Monday, And as I have Bëen at All Necessary Pains to Give Notice to all have Seen A Good many of them and they Generally complain of the Bad Season of the Year and they had Rather Pay their fines than come to General Muster as they expect it Very Soon. So in confusion of Mind by my Late Loss of My Dear Sister I Subscribe myself

Your Most Obedient To Command

JOHN PAINE

May 1st 1768

[FROM MS. RECORDS IN OFFICE OF THE SECRETARY OF STATE.]

NORTH CAROLINA }
Orange County } Ss.

Thomas Lloyd Esquire one of the Justices of our Lord the King, assigned to keep the peace in the said County and also to hear and determine diverse Felonies, Trespasses, and other Misdemeanors in the said County Committed: To the Keeper of the public Gaol of the District of Newbern Greeting, Whereas Harmond Husbonds of the aforesaid County was this Day arrested and brought before me charged on Oath of being guilty of Traitorously and feloniously conspiring to stir up an Insurrection among His Majestys Liege Subjects of the County aforesaid and endeavouring by seditious libellous

and Traitorous practices to withdraw diverse Inhabitants of the said County Subjects of our Lord the King from their natural Obedience to our said Lord the King and excite them to Act in open Rebellion to His Government and Laws: Therefore these are on the behalf of our said Lord the King, to Command You, that immediately you receive the said Harmond Husbands and him safely keep in your said Gaol until that he be thence delivered by the due order of Law.

Given under my Hand and Seal this second Day of May Anno Dom. 1768.

THOMAS LLOYD

[B. P. R. O. Am. & W. I. N. C. No. 216.]

Letter from Colonel Fanning to Governor Tryon

HILLSBOROUGH May 3^d 1768.

The undissembled respect and warm regard which I have for your Excellency makes me fond of embracing every opportunity of writing, and the gratitude which I feel for the vigorous means adopted and the power delegated, with the favour of a couple of letters to me in the difficulty of the late times to which (under God and the loyalty and courage of a few brave subjects) I verily believe I owe my present existence, vastly enhances my desire of returning to your Excellency my unfeigned & hearty thanks for such your unequalled goodness to me in so doubtful a season, For your Excellency's information of my conduct on being honoured with your Commands, the descent which I made on two of the principal violators (in these parts) of the civil & natural rights of mankind, the retreat and success of the enterprise the subsequent measures taken by me on my return, and the visit paid to the limits of this little Village this day, together with the behaviour of the rioters, and the small, loyal and steady Band of Officers and men assembled in Town, I beg leave to refer you to your Excellency's Secretary who was an eye witness of part and bore a considerable share of the business of this day. I shall only observe on the matter that it will afford me the most singular pleasure if my conduct and behaviour should in any measure meet with your Excellency's approbation — I have forwarded your Excellency's letters to Colonel McCulloch, Col^o Osborn Jeffreys and Col^o Harris but am confident I shall have no occasion to make any application for aid

from any other regiment of Militia than that of Orange. It shall be my care to endeavour by a suitable conduct to remove all rancor and distrust, & if possible conciliate the minds of the infatuated and deluded and to establish and strengthen the loyalty and subjection of, the inhabitants in general of this County. I may now I think venture to say that I shall accept of your Excellency's invitation to Brunswick, (given in a former letter) on His Majesty's birthday, and would willingly hope that the late madness of some of the people of this County will not incur on the whole the heavy forfeiture of the loss of your Excellency's visit to Hillsborough the ensuing summer—This is the greatest misfortune which I dread from the late lawless and unprovoked insurrection. As Mr Edwards will be the bearer hereof I shall only add that I desire an offer of my respects to Her Excellency and that I am with the highest sense of gratitude and greatest respect and duty

Your Excellency's &c^a

EDMUND FANNING.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

FRIEND COL^o FANNING

Those that Calls themselves Regulators Has Entertained an Oppanion that Brother Jeremiah and I was Qualifyed when we ware at Court that Simon Dixon and Harmond Husbands was the Ring-leaders of the Mob and we understand we are much threatened on the account of it therefore If thee would be Pleased to send a few Lines to Simon Dixon wheather it be true or faulse thee will oblege thy friend and well wishor

WILLIAM PIGGOTT

Cane Creek the 10th of the 5th Month 1768.

Mr SIMON DIXON

Sir—I this Day Received the Inclosed Letter from Mr William Piggott and in answer thereto and in compliance with His Request, I do, In Justice to the wrongfully blamed and accused, Hereby Certify that I do Not Know neither do I believe, or did I ever hear that any Information was ever made by either of the said William or Jeremiah Piggott on their solemn Information or otherwise against yourself Harmond Husbands or any other Person concerning their

being engaged in the Late Miserable unhappy Disturbance In this County. Thus far as to them, and now as to myself if you or any Gentleman in this County, which I have the Honour to Represent, & whose Happiness and Prosperity I wish above any part [of the] Universe, are desirous of being informed as to any particular which has of Late been the Cause of popular Discontent I will endeavour and with Pleasure to convince you of the Truth of things and the misinformation and false Reports that have been spread to the Great prejudice and Disturbance of the Quiet and Happiness of the Good People of this late flourishing and orderly County I shall only add that I feel the Heaviest Sorrow and Concern for Late Misfortunes and Disturbances of the Inhabitants of this county and that I am sir your Humble Servant

EDM^d FANNING.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

Letter from the Virginia House of Burgesses.

VIRGINIA, May 9th 1768.

SIR,

The House of Burgesses of this colony having very attentively considered several late acts of the British Parliament, and being of opinion that they manifestly tend to deprive the Inhabitants of the Colonies of their essential rights and privileges, have thought it their duty, as Representatives of a free people, to take every regular step to assert that constitutional liberty, on the destruction of which those laws seem to be erected.

They have therefore thought proper to represent, That they are sensible of the happiness and security they derive from their connexions with and dependence on Great Britain, and are under the greatest concern that any unlucky incident should interrupt that salutary harmony, which they wish ever to subsist. They lament that the remoteness of their situation often exposes them to such misrepresentations, as are apt to involve them in censures of disloyalty to their Sovereign, and the want of a proper respect to the British Parliament: whereas they have indulged themselves in the agreeable persuasion, that they ought to be considered as inferior to none of their fellow subjects in loyalty and affection.

That they do not affect an independency of their parent Kingdom, the prosperity of which they are bound to the utmost of their abilities to promote; but cheerfully acquiesce in the authority of Parliament to make laws for preserving a necessary dependence, and for regulating the trade of the Colonies. Yet they cannot conceive, and humbly insist it is not essential to support a proper relation between a Mother country and Colonies transplanted from her, that she should have a right to raise money from them without their consent: And presume they do not aspire to more than the natural rights of British subjects, when they assert, that no power on Earth has a right to impose taxes on the people, or to take the smallest portion of their property without their consent, given by their Representatives in Parliament. This has ever been considered as the chief Pillar of the constitution; without this support no man can be said to have the least shadow of liberty, since they can have no property in that which another can by right take from them when he pleases, without their consent.

That their ancestors brought over with them entire, and transmitted to their descendants, the natural and constitutional rights they had enjoyed in their native country; and the first principles of the British constitution were early engrafted into the constitution of the Colonies. Hence a legislative authority, ever essential in all free states, was derived, and assimilated as nearly as might be to that in England; the executive power and the right of assenting or dissenting to all laws reserved to the Crown, and the privilege of choosing their own Representatives continued to the people, and confirmed to them by repeated and express stipulations. The Government thus established, they enjoyed the fruits of their own labours with a serenity which liberty only can impart. Upon pressing occasions they applied to his Majesty for relief, and gratefully acknowledge they have frequently received it from their Mother Country: wherever their assistance was necessary, requisitions have constantly been made from the Crown to the Representatives of the people, who have complied with them to the utmost extent of their abilities. The ample provision made for the support of the civil Government, in the reign of King Charles the second, and at his request, and the large supplies voted during the last War, under requisitions from his Majesty and his royal Grandfather, afford early and late instances of the dispositions of the assemblies of this Colony, and are sufficient proofs that the Parliament of Great Britain did not,

till lately, assume a power of imposing taxes on the people, for the purpose of raising a revenue.

To say that the commons of Great Britain have a right to impose internal taxes on the Inhabitants of this continent, who are not and cannot be represented, is in effect to bid them prepare for a state of Slavery. What must be their situation should such a right be established? The Colonies have no constitutional check on their liberality in giving away their money, cannot have an opportunity of explaining their grievances, or pointing out the easiest method of taxation, for their doom will generally be determined before they are acquainted that the subject has been agitated in Parliament; and the commons bear no proportion of the taxes they lay upon them. The notion of a virtual representation, which would render all our rights merely ideal, has been so often and so clearly refuted that nothing need be said on that head.

The oppressive stamp act confessedly imposed internal taxes, and the late Acts of Parliament giving and granting certain duties in the British Colonies plainly tend to the same point. Duties have been imposed to restrain the commerce of one part of the empire that was likely to prove injurious to another, and by this means the welfare of the whole promoted, but duties imposed on such of the British exports as are necessary to life, to be paid by the colonists on importation, without any view to the interests of Commerce, but merely to raise a revenue, or in other words to compel the Colonists to part with their money against their inclinations, they conceive to be a tax internal to all intents and purposes. And can it be thought just or reasonable, restricted as they are in their trade, — confined as they are in their exports, obliged to purchase these very necessities at the British Market, that they shou'd now be told they shall not have them without paying a duty for them.

The Act suspending the legislative power of New York they consider as still more alarming to the colonies, tho' it has that single Province in View. If the Parliament can compel them to furnish a single article to the troops sent over, they may, by the same rule, oblige them to furnish clothes, arms, and every other necessary, even the pay of the Officers and soldiers, a doctrine replete with every mischief, and utterly subversive of all that's dear and valuable: For what advantage can the people of the Colonies derive from their right of choosing their own representatives, if those representatives when chosen, not permitted to exercise their own judgments

were under a necessity (on pain of being deprived of their legislative authority) of enforcing the mandates of a British Parliament.

This, Sir, is a sketch of their sentiments, as they are expressed in a petition to his Majesty, a Memorial to the Right Honorable the Lords spiritual and temporal in Parliament assembled, and in a remonstrance to the Knights Citizens and Burgesses of Great Britain in Parliament assembled. In all these proceedings the Council of this Colony have concurred, and have directed their Agent James Abercrombie, Esq^r; to join Edward Montague Esq^r; the Agent for this Colony in applying for redress of the grievances they so justly complain of. Copies were delivered to the President, who is desired to transmit them to the Secretary of State, appointed by his Majesty to manage the affairs of North America; and M^r Montague is enjoined to consult the Agents of the other Colonies, and to co-operate with them in every measure that shall be thought necessary on this delicate point.

The House hope they have expressed themselves on this occasion with a firmness that becomes freemen pleading for fundamental rights, and with a decency that will exempt them from any imputation of faction or disloyalty. They have made known their proceedings on this subject, with a view that the Representatives of your province, being acquainted with them, may go hand in hand in their opposition to measures, which they think have an immediate tendency to enslave them; and are persuaded that the candour of Your respectable House will consider it in no other light. They are not without hopes that by a hearty union of the Colonies, the constitution may be again established on its genuine principles that are equally to be desired both by our Mother Country and her Colonies.

In the Name and by order of the House of Burgesses—I am with the greatest respect

Your most Obedient humble Servant,

PEYTON RANDOLPH, Speaker.

[N. C. LETTER BOOK S. P. G.]

Letter from Mr Reed to the Secretary.

NEWBERN May the 14th 1768.

REVEREND SIR,

Yours of the 5th of February 1767 did not come to hand till the 5th of last month, and as I had postponed writing to the Society later than usual with a prospect of embracing the opportunity of this conveyance I therefore beg leave to refer you to Mr Mackartney the bearer for particular information relative to the School, and Mr Tomlinson's perquisites. Mr Mackartney has been assistant to Mr Tomlinson, and is at present a candidate for holy orders. His life here has been very inoffensive and unexceptionable, and I believe him to be a man of piety and integrity.

The Duty upon Rum will amount to about sixty pounds per annum this currency and will be a sufficient fund for discharging our present Debts, completely finishing the School House and paying Mr Tomlinson Twenty pounds per annum during the continuance of the Act [of] Assembly.

I have baptized about one hundred whites and blacks in my own parish from Midsummer to Christmas last and about Thirty in St John's parish, and am,

Reverend Sir, Yours &c

JAMES REED.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

COUNCIL JOURNALS.

At a Council held at Brunswick 17th May 1768.

Present.

His Excellency the Governor

| | | | | |
|------------|---|----------------|------------------|-------------|
| The Honble | { | James Hasell | Benjamin Heron | } Esquires. |
| | | Lewis DeRosset | and | |
| | | William Dry | Samuel Strudwick | |

His Excellency acquainted this Board that his Secretary Mr Edwards who carried up the Proclamation to Orange County relative to the late disturbances there, was returned and brought a

letter from Col: Fanning dated the 28th April last by which and Mr Edwards' report He was informed that two of the principal Rioters had been taken, and were released upon entering into recognizances for their appearance at the next Superior Court for that district, and as the people had dispersed themselves it was expected in a little time the disturbances in that County might subside.

His Excellency was further pleased to communicate to this Board a Letter he had received from Col: Samuel Spencer of the Anson Regiment of Militia, bearing date the 28th day of April 1768, setting forth that the contagion had spread through that County, and extended to the insult of His Majestys Justices of the Peace in the Execution of their Office in Court, & require of the Council what Measures they thought would be most effectual to suppress such unlawful Assemblys and indignities Offered to Government —

It is their unanimous opinion that the same Measures be pursued as had been recommended on Occasion of the Disturbance in Orange County.

Ordered a Proclamation issue in the following words Viz'

NORTH CAROLINA

By His Excellency William Tryon Esq &c.

A Proclamation,

Whereas information hath been made unto me, that several Rioters and disorderly Persons in the County of Anson have Confederated together to oppose the just Measures of Government, and Assembling themselves in a Tumultuous Manner in Arms, have committed several outrages in open violation of the Laws of their Country, contrary to the professed loyalty of the inhabitants of this Province, highly derogatory to the Honour of His Majestys Crown and Dignity and subversive of that security derived to every individual from a submission to order and good government.

I have therefore thought it expedient by and with the unanimous advice and consent of His Majestys Council, to issue this my Proclamation, strictly commanding and requiring all persons any ways concerned in such insurrections immediately to disperse and retire to their respective Habitations, submitting themselves to the Laws of their Country and in case of Refusal I do hereby require him and Command all Officers Civil and Military to take all Lawful means for suppressing the same, and all other persons are strictly required

to be aiding and assisting therein as they shall answer the contrary at their peril

Given under my hand and the Great Seal

WILLIAM TRYON.

God save the King

His Excellency finding no material Business for the General Assembly of this Province, which stands prorogued to the 15th of June next proposed to the Council further to prorogue the same to the 12th day of January 1769.

To which the Council unanimously agreeing Ordered a Proclamation to issue proroging the said Assembly accordingly, then to meet at New Bern for the Dispatch of Public Business.

NORTH CAROLINA

By His Excellency William Tryon Esq &c

A Proclamation

Whereas the General Assembly of this Province stands prorogued to the 15th day of June next.

I have therefore thought proper by and with the advice and Consent of his Majestys Council further to prorogue the said Assembly till the 12th day of January 1769, then to meet at New Bern for the dispatch of Publick Business.

Given under my hand and the Great Seal &c

WILLIAM TRYON.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

Letter from Henry Eustace McCulloh to Colonel Fanning

LONDON 20th May 1768

DEAR NED,

I have done myself the favor to write you twice since my arrival. I have been long looking out for letters from thee, depending upon the promise you gave me of being a good Correspond. but from the like general silence of my Friends, I am unhappy enough at times to fear that my Name & Memory are forgotten among you. I can with truth say, I do not desire it at your hands, for I consider myself only as a Sojourner in this land of Gomorrah; one great

Tye, excepted, my Thoughts & Wishes, are where my property & my friends are. It would be strange if it were otherwise.

By some letters I have lately rec^d from about Halifax, I am informed of your generous, warm & friendly behaviour on my subject; I am most happy to find that I still possess that share in your warm esteem, which I flatter myself you are sensible I have ever looked upon amongst the most favorable Circumstances, which have attended me. I will not offer you my thanks for this particular; your whole Conduct, since first we were acquainted, has been uniformly of the same nature, and I will be bold to say, I partly deserved it at your hands, if a most preferable Affection for your personal merit and Felicity, & the warmest wishes for you may justify me in so saying.

I have the history of your politics; I have not time to enter into them fully: I shall only observe that the scheme fallen upon of depending upon the Gov^{rs} agential Exertions can never answer; *my reputation* on it;—that no Provincial Application will ever succeed, without some proper person's appearing (by authority) on behalf of the province, & conducting it thro' the maze of office here;—that my Father's difficulties have given him very superior knowledge in official affairs, & that depending thereon, I thought I could have served your public with Success.—I submit to what the Assembly has done, tho' as an Individual much concerned, I can but wish things were otherwise.—An appointment by vote of your House, would have been sufficient, & the mode which I expected would have been fallen upon—I am informed, it was your Sentiment—I will only further observe on what is past,—that I conceive the exercise of a negative in the Council to be arbitrary & injudicious; that I trust the respectful, the disinterested principles upon which I made the offer of my services to the public of North Carolina, will not lessen that favorable prejudice which I have ever been happy in conceiving they entertain of my political Character, and that I shall by no means decline any future opportunity of receiving their Commands—I will be explicit with you, & inform you that I conceive the absolute necessity of an appointment will be apparent at your next meeting, and that if the Council continue their obstinacy, I think it may very well be done by vote of your House;—that I shall be desirous that my Friends will exert themselves to let the appointment fall either upon me or my Father;—no pecuniary Appointment is desired that may be left open—The

uncertainty of my future prospects will not let me speak with precision;—whilst I continue in England, I shall be glad to have it in my power to employ my best opportunities in the service of your province,—and should I hereafter determine upon absolute Settlement here the agency will be a desirable and an honorable object,—and as my pretensions are (I trust) well founded, I shall wish those who are my friends, may ever keep alive my Interest on this Subject.

I have not heard a single syllable of or from Col^o Frohock, since we parted in April 1767. — It is what I never could have expected,—what I can not acc^t for;—my hopes are at most entirely in his hands,—judge for me,—how severe must be the feelings of my disappointment—I have the most unprecedented reliance in his honor & Friendship, but surely I have much reason to reproach his unkind Inattention.

I shall write Col^{os} Harvey & Montford, & desire them to communicate to you the political parts of my Letters I am sorry to say it, I can see little prospect of meeting relief from Gov^t here, as to the distresses you labour under for want of a Circulating medium. Bills may be emitted, not being a legal tender,—consent might give them equal values;—this is in your hands—think of it.—I conceive it might be ripened into a happy remedy for your distresses.

You was so obliging as to assure me of your best care and exertions in my affairs, & I most faithfully depend on them. You can't oblige me more than in letting me hear very often from you, & fully—If in my power to serve you here, freely let me know it,—I am extremely sorry that unforeseen Circumstances prevented me from assisting your mercantile views, as I wished. Any particular Commissions you may want, I will send you—I have not leisure to write you much on my subject. I am in health middling, but entirely lost in Idleness,—I still continue an unfortunate Batchelor, & no prospect of my being otherwise—I sincerely hope you have been well and happy,—let me hear all about you—I am setting out for the Hotwells, Bristol, from whence I shall send this Letter,—very probably, I may add a side or two more—I must give you a Sketch of our politics here—our new parliament is now sitting; all silent as to the fate of M^r Wilkes, who is still in prison:—daily insurrections of thousands & ten thousands in this metropolis, maddened by the gnawing Teeth of famine & distress:—guards & dragoons become our ruling power—firing & killing big bellied women and innocent Passengers in the King's high Road. *His*

Maj^r (i e his Ministers) publickly giving thanks to his army for the *killings afores^d*—a sullen spirit prevailing—Oh! Jerusalem! Jerusalem! The measure of thy Iniquity is almost full.

Adieu, I am ever

thy assured

HENRY E. McCULLOH

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

Letter from Henry Eustace McCulloh to Col John Harvey

LONDON 20th May 1768

DEAR SIR

I did myself the favor to write you [Dec^r] last, and I shall hope to be favored with hearing from you, when your leisure may make it convenient.

I am informed by some letters I have lately received from my Friends about Halifax, of the very kind part you was pleased to act towards me, in your last meeting: permit me to return you my best Thanks, and to assure you with truth, I ever have, and ever shall esteem your partial opinion and Friendship amongst the most pleasing and honorable circumstances of my Life. It is useless to look back upon the past, other than as a direction for the future: I am far from conceiving that I have the least right to murmur because the Assembly did not think proper to accept my offer of Services. I will only take the liberty to hope, that the respectful, the disinterested principles upon which I made the offer will not lessen any favorable prejudices which the Gentlemen of the Assembly in Carolina may honor me with.

I observe which way the political Current took but I am bold to say in trusting their hopes of Success to the Governor's agential Exertions they have done nothing. No man can think higher of the Governor's principles of Honor and Sincerity than myself—I grant his Recommendations weighty but still there is something wanting, a person here to lead your applications thro' the Maze of Office, to answer Questions—clear Doubts—solicit and ripen it into Action. Till this is done, apply how you may, but my Life on it,—you will apply and apply in vain. My Father's great experience in Official matters, his connections, gave me hopes I could serve your Public with success equal if not superior to most; the experience

you had of me—the Security you had (my all) for my most faithful and zealous Exertions—I thought might weigh with you—And tho' the Assembly have seen it in another light at present—should they hereafter conceive a necessity of an Appointment, I by no means decline the honor of serving them. Whether the Appointment is in my Father's or my name it is all one. I am bold to say we are best able to serve you:—and if the Council continue the Exercise of their Negative I conceive an Appointment by vote of your House will be sufficient Authority. I beg once more to repeat my thanks to you, and to entreat the favour of you to mention me in the kindest manner to those Gentlemen who were pleased to exert the warmth of their Friendship for me. I have wrote to Mr Montford on this subject and [asked] him to consult and determine with you and Mr Fanning on this matter

By a Letter from Mr Hardy dated in Dec^r I am made extremely unhappy. He mentions to me that you had taken so much umbrage at the [] as to complain openly of sundry Improprieties. [From] the Knowledge I have of your good [intention] and the tenor of your mind [toward] me, you would not complain without [cause]. I am without a doubt [he has] been to blame: and the favorable manner in which you have ever behaved towards me, emboldens me to state things to you with all the openness of Friendship. You are sensible (I hope) that whilst the Office was under my Direction, my first wish was to give universal satisfaction—to you in particular—when I appointed Hardy I thought he would have pursued my Steps,—it was done with apparent general satisfaction. If his conduct is different I am extremely concerned for it. I have wrote and now write him by this Conveyance very strongly on this subject. I direct him to be in all things obliging to all—to you and yours most particularly—to avoid all unnecessary Severities, and if the amount of fees is the grievance to relax in that point, as his Prudence and the Desire of my Friends shall direct. Now my D^r Sir I trust it will appear evident to you I am not in any cause to blame—reflect at the same time that any attack or complaint which is made upon the office in Hardy's hands can but slightly affect him, but would deeply wound me. In little more than a year I shall return. I then will make every Alteration which may give satisfaction. Till then I must entreat and trust that my Friends will forbear measures of opposition. I shall rest assured of your Friendly Exertions and shall most cordially esteem the favor of your advice and opinion on

the affairs of the Office. Your new Compt^r is a Relation of mine, whom I shall take the Liberty in a particular manner to recommend to the Honor and Advantage of your Notice.

Our public Officers here are all in the utmost Confusion and Uncertainty. I will not intrude further upon you at present. I shall hope to be fav^d with hearing from you.

I am with the greatest Esteem &c

HENRY E. McCULLOH.

I am now at the 3rd June. Afterward I was favored with your letter of 11th Feb^r and I think there is a fatality in Carolina politics. I can be but most sensibly obliged to you for your partial opinion — I will only say from my heart that according to my poor opportunities, I ever wished with the utmost zeal to promote the interest of the Province — am here at the Bristol wells, far from the seat of politics. I have nothing particular except that I enclose to J. M. Estimates of Robes and maces to lay before you — I am sorry to hear of your indisposition. Permit me to assure you none of your friends can think more kindly or respectfully of you than myself. I will hope to be often favored with hearing from you. My best wishes for health and Happiness of you and yours. Conclude me ever your most assured humble servant

H. E. McCULLOH

15th July 1768

The above are copies of my letters by B---- I have nothing to add to either of a public or a private nature. This is quite the still season for politics. The measures of administration seem in general very disagreeable especially as they relate to Corsica. They are quite divided weak & unsettled and consequently no measures of a different complexion ever will be expected.

The affairs of America seem very little understood & not all attended to. I do not flatter myself any thing will be done next winter as to a currency. Do you not conceive an emission of new scrip under proper circumstances may do great things. I have communicated this hint to our J. M. My father proposes to exert himself next winter in fav^r of every scheme in which the Interest of N C is concerned, especially extending the time for the Importation of Corn & Provisions here (of which he has much hope) and a liberty of exporting Naval Stores. M^r B lately applied to him to consoli-

date their pretensions & offer their joint services to your public. My Father (I submit, properly) declined it conceiving it to be using too much freedom with you & that from the natural contrariety of men's opinions it would be neither agreeable to them nor serviceable to you. As I mention^d next year I propose revisiting Cambria; I honestly conceive you will take every step as to the appointment of an agent next Assembly. If you should, I would wish my father's name used instead of mine for the reason above. If you decline this matter at your next meeting it is more than probable at the next succeed^s. I am with you. I impatiently wait letters from Virginia and morning after their receipt propose crossing the Channel. I will do myself the favor to write you a few lines before I set out and shall now conclude with repeating my best wishes for your health and happiness I subscribe myself truly your ass^d hble St

H E McCULLOH

[B. P. R. O. AM. & W. I. N. C. No. 216.]

REGULATORS' ADVERTISEMENT N^o. 10.

At a General Meeting of the Regulators and numbers of other Inhabitants of the County of Orange held at George Sally's on the 21st May 1768, agreed on last meeting

It was unanimously agreed to continue our Petition to the Governor, Council & Assembly for redressing very grievous, cruel, inquisitous and oppressive practices of our Officers which We generally conceive We have laboured under these many years contrary to Law and in pursuance to a verbal message sent us by His Excellency our Governor sent express by His Secretary M^r Edwards delivered to us the third day of this Instant We unanimously agree to renew our petition to the Governor, and as sundry forms of said Petition have been read here this day and signed by sundry neighbourhoods We appoint W^m Maffit, W^m Cox, Hermon Cox, John Lowe, John Marshall, James Hunter, Rednap Howell and George Hendrey to form one out of the whole refering to the separate complaints for information of Grievances and being conscious of our loyalty to King George the Third now on the British Throne and our firm attachment to the present Establishment and form of Government which we sincerely believe all our grievances are quite

opposite & contrary to by the downright roguish praefices of ignorant and unworthy men who have crept into Posts of Office and practised upon our ignorance and new settled situation We therefore order the above Committee to implore the Governor's pardon and forgiveness in the most submissive manner for any errors we have committed that is or may be construed to derogate from the Honor of His Majesty's Person, Crown or Dignity or tending to [derogate from] the peace or good order of Government; and for His better information We likewise order said Committee to prepare copies of all our proceedings which [have been] agreed on by our body from the beginning to go with the said Petition, and they are to send a suitable number of said Committee to wait on the Governor as soon as possible with the same. And as we have received a Letter from Anson County informing us of an Association there on the same account and requesting an information of the manner of our proceedings We order a copy of this to be sent them immediately to prevent speedily their running into any errors, believing their scruples to be well grounded & their intention good and honest, and to be followed with copies of all the rest of our papers. And the Public who have any grievances are desired to send the same to some one of the Committee before next Monday come week when they are to meet at the house of Harman Cox on Deep river for the purposes above mentioned.

[B. P. R. O. AM. & W. I. N. C. No. 216.]

REGULATORS' ADVERTISEMENT N^o. 11.

Address of the Regulators to Governor Tryon and the Council

MAY IT PLEASE YOUR EXCELLENCY & YOUR HONOURS,

At a Committee of the regulators held May 21st 1768, a Committee was appointed to form a petition to be laid before your Excellency and your Honors, wherein among other things it was ordered us to implore the pardon & forgiveness of the Legislature, for whatsoever hath been acted amiss &c. see Paper No. 10. and as a Petition had been already formed we agree to let that stand and in lieu of a better present you with a plain simple narrative of Facts accompanied with and supported by authentic Papers and such as have been from time to time sent to our Officers. This We

humbly conceive will give you a more clear and distinct idea of our grievances and the several causes thereof than anything could be conceived in form of a Petition. As to the other part of our Instructions, which were to implore your Clemency in behalf of the poor oppressed People, we undertake it with innate pleasure, humbly beseeching your Excellency and your Honors and everyone of you graciously to forgive, and pardon not only them, but everyone of Us, anything that by you may be construed as derogatory to His most sacred Majesty's Prerogative, Person, Crown or Dignity, or in opposition to His Laws, or that may in any wise contribute to the Disquiet, Dissatisfaction, or Infelicity of your Excellency's Administration whereby to deprive you of that Bliss you promised yourself when appointed by His Majesty to rule over Us. And we assure Gentlemen that neither Disloyalty to the best of Kings nor Disaffection to the wholesomest Constitution now in Being, nor yet Dissatisfaction to your present Legislative Body gave rise to these Commotions w^{ch} now make so much noise throughout the Province. Which after you have candidly perused this Paper, together with the concomitant proofs you will easily perceive that those Disturbances had their source in the corrupt and arbitrary Practices of nefarious & designing men who being put into Posts of Profit and Credit among us, and not being satisfied with the legal benefits which arose from the execution of their Offices have been using every artifice, practicing every Fraud, and where these failed threats and menaces were not spared whereby to squeeze and extort from the wretched Poor, who as Colonel Fanning himself observes in the petition he has sent us (if tis his) with their utmost efforts can scarce gain a wretched subsistence for themselves and families—Allowing this to be a truth which it lamentably is, how grievous judge you dear Sirs, must it be for such wretches to have their substance torn from them by those Monsters in iniquity, whose study it is to plunder and oppress them. People can feel Oppression and yet be utterly ignorant how or where to apply for redress. This was absolutely the Case with us, & looking on Colonel Fanning as our fast friend in whom we could confide (in fact the favors we have conferred on him, one would imagine were sufficient to rivit him to our Interest, were he susceptible to gratitude) We applied to him him to screen us, from the many arbitrary and fraudulent impositions we continually groaned under, how far and to what purpose

that Gentleman has answered our Expectations, together with the Artifices he practiced to elude our hopes, and evite [shun] the consequences of a Settlement the several Papers wherein are contained the Transactions will more fully inform you. You will likewise perceive that those frequent applications, and the satisfaction we promised ourselves to redound therefrom prevented us from laying our Complaints & grievances sooner at your feet, as being unwilling to give You any trouble, on that score, before we had tried our every effort to accommodate & terminate matters among ourselves. But 'tis our fate to be constrained to give you this trouble, and what we sincerely regret great uneasiness. We therefore humbly beseech you to take our affairs under your serious consideration, and if it appears to you that we have been oppressed to grant us such justice on our Oppressors as to you in your great goodness, candor and wisdom shall seem meet. We shall just add, that we should have given you this Trouble sooner but that we have been so embarrassed by your Officers ever since they understood our resolution to seek you for redress, that we could not bring our affairs to any Conclusion, seeing they have left no stone unturned by the which they hoped to retard our designs. Flattery on one hand, and menaces on the other, have not been spared to deter us, from our Purposes of complaining as may be seen by the Papers marked B. C. D. but when they found all was ineffectual they changed their Battery, and endeavoured by their Emissaries to prevail on or frighten us to sign a Petition marked E. drawn up among themselves, and sent us in a letter marked C. by M^r Ralph M^cNair You will see how this Petition is calculated entirely to screen themselves and throw the blame on your poor supplicants. We however have sent it you together with all the Papers we have received from them that as it contains some truths however disguised whereby you will plainly discover the deplorable situation of our miserable County, and the reasons in a great measure namely the unequal chances the poor and weak have in contentions with the rich and powerful and as 'tis attested by an enemy you will the readier give it credit—However not longer to trespass on your Patience we shall without further Preface proceed to our promised Detail—

In the year 1766 there appearing a general Discontent in the countenances of the People, & grievous murmurings ensuing the Popular Voice gave out that the demands of Court Officers for Fees of

every kind were exorbitant, oppressive and extra-legal. In order therefore to prevent such Frauds if real or if only imaginary to give our Officers an opportunity to still those clamors, by disproving their entity We drew up the Paper No. 1. and Jn^o Marshall waited on them with Copies of the same at the Inferior Court August Term M^r Thomas Lloyd being present & the purport thereof appearing reasonable to M^r Lloyd he promised to give us a Hearing but altered the day as by Appointment on account of his attendance at the General Assembly. Wherefore in consequence of and encouraged by M^r Lloyd's approbation Meetings were held in various Neighbourhoods wherein conjunctively was drawn up the Paper No. 2. and nominated 2 or 3. men in each who signed the remainder of their Names, & exposed the same to Public View.

In expectation therefore of a Meeting, and a satisfactory settlement as a consequence thereof, about twelve men went to M^r Maddock's Mill on Eno River, the place appointed, where waiting until late in the day, and no Officers appearing we made a motion to disperse but at the instance of M^r Maddocks, we waited until he could dispatch a lad to Hillsborough to inform himself of the reasons of the Officers non appearance as he had frequently discoursed with them on the Subject, who had all signified their intentions to meet the People, particularly M^r Lloyd who had said nothing but death or sickness should prevent him. In about an hour the Messenger returned and brought word they would all instantly be on the spot, but quite contrary to our expectation M^r James Watson came alone and brought a Paper marked (A) which he said Colonel Fanning had drawn up, but said Colonel Fanning had not given him any Orders to show it, and then cavilled at a word in our Paper (*viz*^t) Judiciously and said that the Colonel with the others, had been preparing to meet us some time since but on observing the aforesaid Term in our Paper No. 2. they declined it as the word denoted we intended to set up a Jurisdiction among ourselves, to the which he must be subject and therefore he rejected our purposes as looking more like an Insurrection than a Settlement besides he could not brook the meanness of being summoned to a Mill, the Court House appearing to him, a more snitable place. To both which frivolous objections, we replied that as to the Term in question we were no Criticks that as to the Term in question We knew not how many different Constructions it might bear but as to ourselves we meant no more by it than wisely, soberly and carefully to examine the

matter in hand — That with respect to the Court House we had no right to appoint a convention there but to the Mill we had, having first obtained the Owner's leave to that purpose — However in order to remove all objections as we were conscious to ourselves that what we aimed at was just and legal, we drew up the Paper No. 3, couched as we conceived in such Terms, as would remove all further *remora* [delay] to our designs. And Mr Watson himself after perusing the same, declared in his opinion it was reasonable, just and legal. And on our presenting Mr Watson with a Transcript of the same he engaged his honor to present our Officers with the same which we think he did accordingly. For in the ensuing Court Colonel Fanning read a prolix Instrument in Court to the Justices in contrariety to our designs of which he vaunted and asserted he had served us with Copies thereof but we declare, no such Paper ever came into our hands. Sheriffs &c. encouraged as we imagine by the imperious Carriage of their Superiors began now to assume airs, threatening us behind our backs, which Menaces working on the imbecility of some, and the Pusillanimity of others, caused the Association at that time to be laid aside. Nevertheless some of the Commonalty endeavoured to be heard at Court about paying 2s. more for recording Deeds, than was paid in any other County, but they were silenced. The Sheriffs now grew very arbitrary, insulting the Populace and making such Distresses, as are seldom known — Double, Treble, nay even Quadruple the value of the Tax or debt was frequently distrained, and such their seizures hurried away to Hillsborough, there to be disposed of, and so iniquitous were they in these Practises, that by taking contrary roads or some other indirect Methods the Effects could never be recovered, altho' they were followed with the money in a few hours after, nor could we ever learn that they returned any Overplus. For better information we refer you to the grievances proved &c. And early last Spring Mr Harris our High Sheriff published the Advertisement marked (F) in consequence whereof the People who lived in Mr Harris' Vicinity convened, and paid off at 8.4. taking receipts. But Colonel Fanning arriving just after gave out that the Taxes were 10.8. This heithened the rising Discontent, and inflamed the minds of the People, notwithstanding Numbers paid the 10.8. but disputed the Authority of the Act. cited in the Advertisement — When at a Meeting in Deep river for payment of Taxes John Wood Deputy Sheriff being then present, being questioned about the Act confi-

dently persisted in the affirmative. Upon which William Moffit on examining the Laws, no such Act could be found, Wood now finding his knavery was detected, no less confidently denied the Advertisement to be Harris's. This unprecedented Effrontery, convinced the Spectators that there was Knavery, and Collusion and judging all was of a piece, formed themselves into Bodies under the denomination of Regulators, in Order to oppose if practicable the torrent of violence and oppression, and drew up the Paper No. (4) subscribing, swearing or declaring to the same under various Chiefs. And now the former Application, coming afresh into every one's Memory, and being still desirous to accommodate matters, without coming to a rupture, drew up the Paper No. (5.) and two of the new formed Regulators, waited on our Officers with Copies of the same, but without receiving any satisfaction—Whereupon a second Deputation was ordered to be sent with Copies of No. (6) but before they could set off, one of the Regulators going to Hillsboro on some private business, had the mare he rode on seized for his Levy. Whereupon the Regulators assembled and went down in order to recover the mare, armed with clubs, staves &c and cloven muskets—When a Gentleman coming to Colonel Fanning's door with his Pistols, threatened to fire among us, but a piece being presented at him, he incontinently withdrew, upon which some heated unruly spirits fired 4 or 5 pieces into the roof of the Colonel's House making 2 or 3 holes in the roof and breaking two panes of Glass in the dormer windows above, then having secured the mare, they rode off without doing further damage. On this being convinced in our Judgments, that our proceedings were inadequate & would greatly contribute to your Excellency's dissatisfaction by embarrassing your Administration Resolved to proceed on our first plan viz^t: Petitioning your Excellency & Honors, for redress, See Paper No. 4, Seeing it was denied us from every other quarter, and satisfied we should find it in that source of wisdom, justice and Lenity. And this step too was resolved on, by our whole Body, in pursuance whereof a Convention was held, in order to carry those salutary Purposes into execution. The Paper No. 6 being delivered to Mr McEljohn our Rector while in Town, about the Mare desiring him to deliver it to the Officers in our names. Which he accordingly did. For shortly after he came up among us with a verbal message, as he said from our Officers, and by their Orders, to the following effect viz^t: That if the Regulators would nominate any

Number of reasonable men to meet them the 11th day of May at Hillsborough they would give them a settlement: At the same time M^r McEljohn drew up a Paper, which was signed by some private Regulators see No. 7. but signifying withal that if the Majority dissented therefrom it should be void, which Paper was objected to first because it insinuated, a falsity, as tho' we intended violence, whereas in fact no such thing was designed, whatever private Papers might be handed about by particular Persons — 2^{day} It was objected to meet at the Town as we had intimation they were fortifying that place, in order as we apprehend, to secure us in Gaol, as soon as they had us in their Power, & that this was their design will appear by the Sequel. Nevertheless we determined to give them a Settlement in conformity to their message by M^r McEljohn, and greatly pleased with the happy prospect of having our differences so speedily terminated we convened April 30th in order to appoint proper Persons as Settlers, Where we drew up the Paper No. 8. and appointed the men therein specified Ordering one of our Body to notify the same to our Officers and drew up and signed the Paper No. 9. lest the Officers by again deceiving us might put us to further trouble which should that be the case it might be ready. Thus stood Affairs when on Monday morning May 2^d we were alarmed at the astonishing news that Col^o Fanning at the head of 27. armed men consisting chiefly of Sheriffs Bombs Tavern Keepers, and Officers after travelling all night, were arrived by break of day on Sandy Creek, and had made prisoners M^r Hermon Husbands & M^r W^m Butler the former a Gentleman that had never joined the Regulators, had never been concerned in any tumults, and whose only crime, was his being active in trying to bring on the intended settlement. This extraordinary step of the Colonel's alarmed the whole County, Regulators or Anteregulators, all were unanimous in the recovery of the Prisoners; many who had till then opposed, the prevailing measures, now went down with the foremost, as judging none were now safe, whether active, passive or neutral, but being arrived near the Town, we there met your Excellency's private Secretary M^r Edwards, with your Excellency's gracious Proclamation requiring us on sight thereof to disperse, and on acquainting you with our Grievances, you would graciously take our case into consideration and redress them where found real, and where only imaginary kindly excuse the trouble in compassion to our ignorance, instantly on hearing these glad tidings we dispersed accordingly, and greatly emboldened

by your Excellency's gracious Declaration, and by an agreement with Colonel Fanning to leave our case to the Arbitrament of your Excellency and Honours, we convened again May 21st in order to consult such further Measures, as might facilitate our first designs. See No. 4. the result of which we now lay, at your Excellency's and Honors feet for your inspection — We humbly beg leave to observe on some of Col^o Fannings strange conduct, that on the very day he set off for Sandy Creek, he directed Letters to 3. of the Regulators inviting them to Hillsborough, and promising them all imaginable satisfaction, one of which directed to Jacob Fudge we send herewith for your Perusal — And now Gentlemen you see We have sent without reserve or disguise, our whole Proceeding in this affair, having concealed nothing whether for or against us, and as you are chosen by the contending Parties to arbitrate the difference, and as we on our parts, are fully determined to abide by your decision, we humbly hope, naked Truth, and native Ignorance will poise the super-excellent Flourishes, and consummate Declarations of our powerful Adversary, & relying on your benignity and Justice we humbly beg leave to subscribe Ourselves your poor oppressed Supplicants and very humble obsequious Servants.

Signed in behalf and by Order of the Regulators by us the Committee —

JOHN LOW
JAMES HUNTER
REDNAP HOWELL
HARMON COX
JOHN MARSHEL
W^m COX
W^m MOFFITT
GEORGE HENDRY.]

To His Excellency W^m Tryon Esq^r our Governor & to the hon^{ble} the Members of His Majesty's Council for the Province of North Carolina.

At a Committee of the regulators as by appointment of their General Assembly of May 21st (see paper No. 10) held at Thomas Coxes Mill by a movement from Harmon Coxes on Monday the 30th of May 1768, it was then and there ordered that the paper No. 11 should be presented to His Excellency our Governor and to the Hon^o the Members of His Majesty's Council and that James Hunter

and Rednap Howell do wait on His Excellency and their Honours with the same as also with the Petition No. 9, together with all the other papers that are to accompany them containing all our Transactions from the beginning, and that they present the same to His Excellency and their Honours in the Names and on the behalf of the regulators.

JOHN LOW
HARMON COX
JOHN MARSHEL
WILLIAM MOFFITT
WILLIAM COX
GEORGE HENDRY.

Marked C.

M^r Ralph M^cNair to M^r Hermon Husbands

DEAR SIR,

I now according to my promise send you the Petition which I think ought to be sent to the Governor nor can any Man who has the least sense of the Danger these inconsiderate men have run themselves into say it is in the smallest degree too submissive — You M^r Husbands to whom I have opened my thoughts on this subject more than to any other man I expect will use your utmost influence to prevail on all you see to choose it, for you may assure yourself from my knowledge of things that one couched in any other Terms will not, cannot, go down with the Governor. I'm afraid many of the People who are to become Subscribers would object to it imagining they have been only doing their Duty in opposing the Publick Collectors in the execution of their Offices and from this principle that a man once exacted upon may with a safe conscience take any measures however unlawful for redress, or this that not being satisfied as to the legality of the Collectors demand a man may oppose the measures of Government till his scruples are removed, but if these unfortunate misguided People had the same opportunity of perusing and examining the Statutes of England & making the same impartial use of them that I have done since the late disturbance they would plainly see that their maxims however plausible they may seem to them at first sight, are diametrically opposite to the law of nature and nations which always were, are, and ever will be, the same — That their method of redress is wrong according to the opinion of all preceding Ages I need only put you in mind of

the ancient Fable ascribed to Esop of the Hands and Feet running in mutiny against the Head.

The truth of the Fable and its having been made use of to a good purpose We may easily credit whether we believe there ever was such a man as Esop or not. As I have your good M^r Husbands and the good of the whole County at heart, I shall unbosom myself to you in a manner I would to very few concerned, I shall therefore impart to you some of the knowledge I have gained by a perusal of the Law Books. For writing, copying, carrying about or dispersing a Libel (and anything tending to stir up a People to a dislike of a Government or even to a single Person is a Libel) the Sentence is Confiscation of goods and chattels: Painful Punishment—Public shame and perpetual Imprisonment—Mobs and Riots (that is where a number rise without Arms and only murmuring) are treated generally with Lenity as to the multitude tho' where the Offence is against Government and ringleaders are to suffer death without the King's pardon. But where they take up Arms to remove a Grievance or to alter the form of Government it is Treason of which there are four sorts 1. against the King's Person—2. Against the Administration of His Laws—3. That which concerns His Seal and 4. Counterfeiting His Coin—Speaking of the second sort it is expressly said that whether it be to remove a real or a pretended Grievance it is deemed High Treason and the punishment is the forfeiture of goods and chattels, lands & Tenements and the Guilty to suffer the most horrid death allow'd by the English Laws, something of this kind I mentioned to you when at your House but with some degree of uncertainty, but since my return I have examined more particularly and am now convinced beyond the possibility of a doubt that the above Account is Truth—However Sir, I can assure [you] with the utmost confidence that this affair if it stops here will never be represented by Col^o Fanning any otherwise than as a Mob.

I have now to inform you that I have been often in Colonel Fanning's Company since I saw you and have had an opportunity of knowing His mind in almost every particular respecting this affair and I find him most cordially disposed to give any who will come to his house, all the satisfaction they can ask or is in his power to give—He says he never was applied to by any man that was wronged to prosecute a Sheriff but that he cheerfully undertook it, where he found the complaint just, and that he always would be ready to do it whenever required, that he wishes for nothing so much

as that some of the principal men of the Regulators would call upon him for information in any particular they are in doubt about and that he expects the new Laws up this week together with the Journals of the House of Assembly a sight whereof would silence every murmur dispel every fear, banish all distrust and convince the whole county how much he has been our friend, our Patron, our Benefactor—it is impossible Sir, in the small compass of a letter (already longer than I expected) to answer particularly all the charges that I have heard against him such as his receiving £1500 for his trip with the Governor, his receiving £40 of the Vestry for a dinner &c &c &c, let it suffice to say, that he has convinced me of the falsehood of these, and many other lies that are spread abroad to his prejudice and I shall inform you at full upon sight. And since he so much desires to see some of the principal men your way let me beg, let me entreat you to come this way tho' a little round about as you are going to George Sally's and bring with you M^r W^m Butler, M^r John Lowe and M^r James Hunter and any two or three candid discerning men in your Neighborhood, I'm sure 'twill add much to your satisfaction and greatly to the Peace, Quiet, Ease and happiness of the Country. For my own part I would rather you should come on Thursday evening than on Friday morning for as I could find provision for your Horses and beds for yourselves I should by that means have an opportunity in some measure to return that kind and hospitable treatment which I so lately received on Sandy Creek—I assure you my dear Sir you will find Coll: Fanning quite different from what he has been represented and I'm certain he would find you very different from the accounts he has heard of you. The stories that have been told backwards and forwards are really amazing and I am now convinced that nothing but downright mistake has been the cause of all the late disturbances I therefore beg leave to return my request nay I conjure you as you love yourself as you love the peace and happiness of your country to come down before you go down to the meeting. For until the Coll: and some of the Principal men meet face to face nothing much to the purpose can be done this I am sure of that the Governor's reception of the Petition will depend greatly upon the Coll': account of the situation of things for as he is the Chief Officer appointed by His Excellency as he is the Representative of the County chosen by ourselves to watch over our interests and as the Governor himself knows and was an eye witness how he labored for our Good at the last Assem-

bly (as the Laws and Minutes of the House I'm sure will shew us when they arrive) he undoubtedly will not attend to complaints against him till he hears what he has to say in his own vindication — but of this no more as I expect to see you so soon & have the pleasure of seeing you in Town. This must also serve for an excuse for my not sending you the Laws by this opportunity however if it will afford you satisfaction you shall carry the book home with you — The book I spoke of borrowing for your perusal is too bulky and cumbersome for transportation I have not therefore spoke of it. You see Sir by my taking no pains in writing to you that I treat you like my best Friend, you have my thoughts just as they occurred and every word I assure you, is warm from my heart. My best wishes are for the welfare of you and your Family, and you may rest assured that no man more ardently wishes the real good, peace, happiness and prosperity of this County or would do more to serve it according to his abilities than Dear Sir,

Your most obed^t Servant

RALPH McNAIR.

TO HIS EXCELLENCY WILLIAM TRYON ESQ^r CAPT. GENERAL GOVERNOR & COMMANDER IN CHIEF IN AND OVER THE PROVINCE OF N^o. CAROLINA

The Petition of We the Subscribers Inhabitants of Orange County True & Faithfull Subjects to His most sacred Majesty King George the Third Humbly sheweth

That Whereas We your Petitioners have for a long time imagined that We have been imposed and exacted upon by Sheriffs and other Persons not only in taxing their Fees or Suits receiving Sums on Executions but also in collecting the Public Levys and have seen many enormities (as We apprehended them) committed under colour of their Offices some few specimens of such grievances We herewith send to be laid at your Excell^{ty}s feet for your inspection and this we are emboldened to do from the Assurances given us by your private Secretary M^r Edwards that you would graciously hear our Complaints that you would redress as far as in your Power our grievances, where found real and where only imaginary kindly excuse the Trouble in compassion to our ignorance — This goodness Sir, we acknowledge We have not only forfeited all title to, but also rendered ourselves liable to severe and heavy punish-

ment by our late illegal & unwarrantable conduct in holding unlawful Assemblys to consult means of redress within ourselves in taking away goods distrained by the Sheriffs, to satisfy the Public demands, and in attempting by forcible means the release of certain Prisoners, taken by virtue of the Chief Justices Warrant —

For which offences (infinitely more criminal than we apprehended or imagined and which we now see would certainly be productive of the most dangerous consequences) We your Excell^{ty} Petitioners thoroughly convinced of our Errors and heartily sorry for our past conduct yet conscious to ourselves, of our loyalty to our most gracious Sovereign, of our firm attachm^t to the Blessings of the British Constitution Our readiness to submit to the Laws of our Country, in paying the public dues for the support of Government when known, and our most cordial and warmest wishes for the Ease, Peace, Quiet and happiness of your Excellency's Administration throw ourselves on your Excellency's clemency having nothing to offer in excuse for our errors or in mitigation of our past offences but only that the partys aggrieved were generally ignorant men, and at the same time in such necessitous Circumstances that their utmost industry could scarce afford a wretched subsistence to their Families, much less enable them to engage in uncertain Law Suits, with the rich and powerful, (tho' injured) for we have often seen with Astonishment and concern, the cause of Justice unsuccessful in Courts of Law, this we then interpreted as some great defect in Justice, which we now understand was owing to errors in proceedings Thus Sir, has want of knowledge and misapprehension been the cause of all our late unwarrantable behaviour and in many instances the cause and foundation of our Complaints. We therefore your humble Petitioners in the most suppliant manner submit ourselves to your Excellency's mercy and forgiveness and our grievances to such your compassionate consideration as to you in your great wisdom and goodness shall seem meet. And your Petitioners as in duty bound shall ever pray &c. &c. &c.

[B. P. R. O. A. & W. I. N. C. No. 216.]

Whereas by a late Act of Assembly the Sheriffs of the several countys in this Province are obliged to attend at five different places

in their county at least two days at each place at some time between the first day of January and the first day of March in order to receive the public County and Parish Taxes. I hereby inform the County of Orange that I intend to comply with my duty in attending according to Law at times and places hereafter to be advertized & that every man who fails paying their dues at those times and places is by the same Law obliged to pay me 2s extraordinary which sum I shall demand without respect of Persons whereof every one concerned is desired to take notice, and should any Person imagine that it is sufficient if they have their money ready when I or my Deputy comes for it; I advise them to be provided with two shillings and eight pence for the visit from their humble servant

TYREE HARRIS Sher

| | £ | s. | d. |
|--|---|----|----|
| Aid Act 1754 Page 22 | 0 | 1 | 0 |
| Aid Act 1760 " 192 | 0 | 1 | 0 |
| Aid Act 1761 " 222 | 0 | 2 | 0 |
| An Act paying Att: Gen: and Chief Justice in 1761, p. 224, | 0 | 3 | 6 |
| Halifax Gaol 1764 | 0 | 0 | 8 |
| Sheriff of Orange 1765, Page 393 | 0 | 1 | 6 |
| Parish Tax | 0 | 1 | 8 |
| County Tax | 0 | 1 | 4 |

| | | | |
|--|---|---|---|
| For sinking £21,350 granted to His Maj. by an Act passed in the year 1748 | 0 | 1 | 0 |
| For sinking £40,000 granted to His Majesty by an Act passed in the year 1754 | 0 | 1 | 0 |
| For sinking £20,000 granted to His Maj ^y by an Act passed in the year 1761 | 0 | 2 | 0 |
| For the Printer for printing Laws, Journ ^{ls} of the House of Assembly &c by Act in '66 | 0 | 0 | 4 |
| For building a Province House by Act passed in the year 1766 | 0 | 0 | 8 |
| For paying Ch. Justice & Att: Gen ^{ls} Salaries, for pay ^{ts} the Mem ^{rs} of His Maj ^s Council & the Mem ^{rs} of the Assembly for their attendance, the Clerks of the Council & Assem- bly & other contingent charges of Govern ^t by Act pass ^d in the year 1748 | 0 | 2 | 0 |

| | £ | s. | d. |
|-------------------------|-------|----|----|
| To the Parish ----- | 0 | 3 | 0 |
| To the County Tax ----- | 0 | 0 | 8 |
| | <hr/> | | |
| | £0 | 10 | 8 |

The Tax in Orange for the year 1768.

EDM^d FANNING.

11th Nov^r 1766. Then received of W^m Adams eleven pounds, eleven shillings & nine pence in full satisfaction for the debt and Fees on the execⁿ of Elwicks Exe^r against Daniel Smith —

A true Coppia of the re^t

CHAR^s. BRUCE.

May y^e 21st 1768. This day personally appeared before me W^m. Thompson one of His Majesty's Justices of y^e Peace and made Oath (that after he paid the above) there came another Sheriff, name, Waraham Glenn, and served an Execution for the same cost and charges, for which he was obliged to give his bond & security.

Certified before me A Copie

W^m. THOMPSON

Received Jan^r y^e 12th (1767,) of Joseph Foshea by y^e Assumpⁿ of Thomas Hart Esq^{re} one pound, twelve shillings and eight pence the Clarke Fee on y^e Sute brought by Hamilton & Co. vs. Him.

A true Copie of y^e rec^t

FRANCES NASH.

May y^e 21st (1768) This day personally appeared before me W^m. Thompson one of His Majesty's Justices of the Peace Joseph Foshea & made oath that he was obliged to pay the above Fee altho' the sute was never called in Court

Certified before me A Copie.

W^m. THOMPSON

Hamilton & Co. on James Younger Pettⁿ & Sum^s.

| | £ | s. | d. |
|------------------------|-------|----|----|
| To Clark Fees ----- | 0 | 7 | 6 |
| Att ^r ----- | | 7 | 6 |
| Sheriff ----- | | 4 | 8 |
| | <hr/> | | |
| | | 19 | 8 |

Rec^d July y^e 8th 1765 the above Fees the Sute being discont^d.
A true Copie of the rec^t

FRANCES NASH.

This day came before me W^m. Thompson one of His Majesty's Justices of the Peace James Younger and made oath that he paid the above Fees and no precept was executed upon him.

Certified by me

W^m. THOMPSON

May y^e 21st (1768) A Copie

The Deposition of Robert Woody Deposeth & saith that he rec^d a Prock Bill of Tho^s Thompson, which Bill he the Deponent ofered in Court, but the Bill being counterfeit he was obliged to give security, & prove who he rec^d the Bill off, but he the Deponent, was obliged to pay to Thomas Hart, then Sheriff, the sum of one pound, ten shillings and eight pence, by order from Edmund Fanning.

This 21st Day of May personally appeared before me the above deponent and made Oath to the above Deposition to be just & true

Certified by me.

W^m. THOMPSON.

Orange County N^o Carolina — A Copie.

ORANGE COUNTY NORTH CAROLINA May 21st 1768.

This day came Joseph George before me one of His Majesty's Justices for this County and made Oath that John Wood Sub Sheriff came to his house about the last of December with an execution against his Body and the said George to Replevy his Body gave a Negro Girl in pledge at twenty three pounds three shillings and by agreement to deliver her at February Court upon y^e said Georges paying the money and two dollars for staying that time. The Court being altered to January the said Wood sent word to the Deponent that if he did not send the money that he would have the Negroe for the twenty three pounds Upon the news the Deponent sent the Negroe by John Stewart.

A Copie This Day sworn before me

W^m. THOMPSON

The same Day John Stewart came before me and made oath that he carried the said Negroe that same day to Court upon which y^e said Wood promised to deliver up the Bill of sale for the Negroe, which he afterwards refused to doe. He also promised to stay till next morning for his money but after a while demands the Negroe or the money upon which the said Stewart replies you promised to stay with me till tomorrow He says go and sell the Negroe now at Publick Vandue and then the sun almost down and a dreadful

cold night, upon which the said Stewart was obliged to sell the Negroe.

This Day sworn before me

W^m. THOMPSON.

A Copie.

The Deposition of Parish. Gardner of Orange County and Province of North Carolina Deposeth and saith He was security for Job. Self to one Mills, merchant at Roanoke, for the sum of one pound eighteen shillings Virginia Currency, for which John Wood Sub Sheriff came in the year 1766, and took one feather Bedd, Bolster & Sheets with one Iron Box and a Gunn all to the amount of Five Pounds Prock which he carried to W^m Aldreads, and left them ten or eleven months, in which time the Deponent sent the money by William Aldered several times, to the said Sheriff but he refused to receive it, and likewise refused delivering my goods, but after a clandestant manner took them up to town, for which the Deponent can receive no Account or satisfaction what he has done with them.

May 21st 1768.

This Day personally appeared before me, W^m. Thompson one of His Majesty's Justices of the Peace the above Deponent and made oath that the above Deposition was just & true

Certified before me —

W^m. THOMPSON

A Copie

The Deposition of Job Self of Orange County and Province of North Carolina, Deposeth and saith that John Wood sub Sheriff, came in to the range of his creatures, and Ketcht his horse in the woods, in the year 1766, and carried him off, under a pretence it was for a debt of one pound eighteen shillings, which he the deponent was indebted to one Mills a merchant at Roanoke, some time after, another Sheriff came, and took an ox, for the same debt, and left it at Zacaria Martins, for all which he cannot receive any Acc^t or satisfaction.

May y^e 21st 1768. This Day personally appeared before me W^m. Thompson one of His Majesty's Justices of the Peace the above Deponent and made oath that the above Deposition is just and true.

Certified by me—

W^m. THOMPSON

Y^e Sheriff's name y^e took the Ox is Ransom Sutherland.

A Copie.

The Deposition of John Mills Sen^r of Bear Creek Orange County North Carolina Deposeth and saith that the widow Redman sued him for twenty pounds, and he cast her by Nash his Attorney, then Edmond Fannin summons'd the Deponent, with Zacaria Martin and Jacob Brooks as Garnishees to Larance Redman's Estate wherein he the Deponent declared on oath, in the Court, that he had not anything in his hands belonging to the Estate, upon which Edmond Fannin told the Deponent, that he must pay the charges, for he could not get it of the widow, & therefore if the Deponent, would not comply he would make him. Therefore he the Deponent being scared, and for fear of Fanning's suing him, and throwing him into Jail, or running him to cost, he gave Fanning his note of hand, for five pounds, for which Edmond Fanning sued him before the next Court, obtaining judgment and sent out an execution for the same, for which the Deponent paid to Wood the Sub: Sheriff, one Double Loon, one Dollar, ten shillings in Prock, twenty two pounds in dressed leather, the whole amounting to £10 3 6 furthermore the Deponent saith that the said Sub: Sheriff serv'd a Writ on him, on account of James Linly for about seven or eight pounds, for which he paid to Linly three pounds, two shillings in money, and one Cow and Calf for which he was to allow him three pounds ten shillings Linly went to the South, and left his business with Samuel Stewart, with whom the Deponent saith he settled and gave his note for five pounds two shillings for all the charges of the Sute with the balance of the Account between Linly and him, for which he promised to stay awhile for the money, then the Deponent sent his wife and paid four Dollars and sixteen p^{ds} and a half of leather amounting to £10 12 6—but he went and sued to y^e next Court, for which the said Wood & Glenn came and took all the Depouents Cattle being seven head viz: four Cows with Calf two yearlings and a Bull amounting to £11 10 0, with a good Bell and Collar, some time after the said Sheriff came and demanded thirty five shilling for which Deponent paid eight pounds dressed leather and seven good Fur skins for which the Deponent can receive no account or satisfaction.

April 23^d 1768. This day came the above said John Mills before me and made Oath to the above declaration to be just and true.

A Copie.

W^m. THOMPSON.

The Deposition of John McVey of Orange County and Province of North Carolina Deposeth and saith that one Charles Uppa Cromby sub. Sheriff under Nunn High Sheriff came to his House in the year 1765 and took eight large prime deer skins w^{ch} he the Deponent saith was to the value of between four or five pounds and carried them away for one Levy, the Deponent carried the money, to redeem the skins, the next day with the distress money, and offered it before several Evidences, but he would not let him have the skins, nor never has given him any satisfaction for them.

May y^e 14th 1768. The above Deposition sworn to by John McVey
Deponent before me — A Copie W^m. THOMPSON

May y^e 21st 1768.

The Deposition of John McDonald deposeth and saith that Benjamin Philips, Sub: Sheriff came into the range of his creatures, and ketcht one of his creatures, to the value of eight pounds and carried him off, under a pretence that it was for the charges of a writ of Ejectment, though he never new that there was one out against him nor has he ever given him any satisfaction for his Horse — Furthermore the Deponent saith, some time after, there came one Hogans another Sub. Sheriff with an execution for the same Cost and Charges, though there never was a Writ that he new of, against him, which the Deponent was obliged to pay to the said Hogans.

This day personally appeared before me W^m. Thompson one of His Majesty's Justices of the Peace the above Deponent and made Oath that the above Deposition is just and true —

Certified before me A Copie W^m. THOMPSON

Last November William Nunn and Tho^s Hutchins sub: Sheriffs came to my House and broke open the roof of it and took a piece of linen cloath for one Levy tho' I offered to pay the money if they would goe about two miles to John Piles, where the money was ready, so they took the cloath to Piles's who paid them fourteen shillings and relieved y^e cloath —

21st of May 1768. This day the Deponent Patrick Creaton made oath that the above deposition was just and true.

Certified before me — A Copie. W^m. THOMPSON

The^s Deposition of Tho^s Glover taken the 21st day of May 1768 is as follows viz. that in the year 1766, Tho^s Hutchings Deputy Sheriff came to demand the Levy for said year being twelve and eight pence on which s^d Deponent paid four and two pence of said Levy on which the said Hutchings seized a Gunn of said Depo- nents valued thirty two shillings for y^e remainder and never returned any overplus and further saith not.

This Day came before me William Thompson one of His Majesty's Justices of the Peace for Orange County and proved the above Depo- sition to be true and just this 21st Day of May 1768.

A Copie.

W^m. THOMPSON

Charles Landrum this Day came before me W^m. Thompson one of His Majesty's Justices of the Peace for the said County and made Oath that in the year 1767 that he the said Landrum paid to Frances Nash Clark nine shillings and four pence for recording a deed.

Certified before me this 21st day of May 1768.

A Copie

W^m. THOMPSON

Lambert }
vs. }
Brooks }

| | | | |
|---|---|-------|--------|
| Clarks Fees for 3 C ^{ts} ----- | £ | 19 | 8 |
| Att ^y ----- | | 7 | 6 |
| Shff ^r ----- | | 5 | 8 |
| | | <hr/> | |
| | | £1 | 12 10 |
| Frances Nash ----- | | 7 | 6 |
| | | <hr/> | |
| | | £ | 2 00 4 |

Rec^d August 17th 1764, the above Co:

A true copie.

F. NASH

May y^e 21st 1768. This Day came John Brooks before me William Thompson one of His Majesty's Justices of the Peace for y^e said County and made Oath that he the s^d Brooks suffered false imprison- ment six days and seven nights for y^e within Fees then paid.

Certified before me this 21st day of May 1768.

A Copie

W^m. THOMPSON

The Deposition of Tho^s Hendry of Orange County and Province of North Carolina Deposeth and saith that he the s^d Deponent went to the Court of Hillsborrow in the year 1767 with three Deeds to be recorded, for w^{ch} the Deponent tendered to Frances Nash, Clark, six shillings and eight pence for each deed, but the said Nash refused taking money and told the Deponent he must have nine shillings and four pence for each Deed, otherwise they should not be recorded, so the Deponent was obliged to pay the same or take the Deeds without recording.

Certified before me one of His Majesty's Justices of the Peace for the said County. W^m. THOMPSON.

This 28th Day of May 1768. A Copie.

The Deposition of Pett^r Rennolds of Orange County Deposeth and saith that in January last 1768 John Wood sub: Sheriff came to the Deponent's House and executed a mare and carried her off, on account of a note of hand given by the Deponent to Dormond Henson for twelve pounds five shillings and the Deponent farther saith that he had then paid eleven pounds seven shillings of the s^d note, and has never given him any account or satisfaction since —

Certified before me one of His Majesty's Justices of the Peace this 28th day of May 1768. W^m. THOMPSON.

This Day came before me one of His Maj^s Justices of the Peace for the said County Tho^s Beel and James Thompson and made Oath that they saw the above sub: Sheriff wriding the above Mare in his way to Corbentown* after he had executed her and taken her away.

Certified before me one of His Majesty's Justices of the Peace of s^d County this 28th Day of May 1768.

A Copie.

W^m. THOMPSON.

The Deposition of John Wilkins Deposeth and saith that he the Deponent sent a Deed to Court to be recorded, for w^{ch} he paid to Frances Nash, Clark, nine shillings and four pence otherwise his deed would not be recorded.

Certif^d before me one of His Maj^s Justices of the Peace for Orange County this 28th day of May 1768.

A Copie.

W^m. THOMPSON.

* Hillsboro.

ORANGE COUNTY NORTH CAROLINA

This Day came Joseph Richison, before me, one of His Majesty's Justices of the Peace of the said County and made Oath that in the year 1763, Benjamin Philips caus'd a Writ to be served on said Richison, & amediately on serving said Writ, said Richardson compromised matters with Phillips, and paid him the debt and cost and took a discharge for the same, and in the year 1766, John Nunn Deputy Sheriff serv'd an execution on said Richison for the cost of the same Sute, and imprisoned his Body two weeks and made him pay six pounds nine shillings besides the Prison Fees and further saith not.

Sworn before me this 26th day of May 1768.

A true Copie

JOHN M. GEE

BENJⁿ. PHILIPS

vs.

JOSEPH RICHISON

} Case Verdict for y^e Plaintiff

| | £ | s. | d. |
|-----------------------------------|-------|----|----|
| Clarks Fees----- | 3 | 19 | 10 |
| Att ^y ----- | 0 | 15 | 0 |
| Sheriffs Fees----- | | 17 | 4 |
| For serving Ex ⁿ ----- | 10 | 8 | |
| | <hr/> | | |
| | £6 | 2 | 10 |
| | | 6 | 2 |
| | <hr/> | | |
| | £6 | 9 | 0 |

ORANGE

These may Certifie the above fees were paid by the above named Joseph Richison in discharge of an Execution on him obt^d of Benjamin Philips Certified under my hand at the Office in Hillsborough the 1st day of August 1767.

A true Copie

FRANCES NASH

Rec^d from Joseph Richison all debts, dues and demands from y^e beginning of the world to this day rec^d by me this 14th day of April 1763.

A true Copie

BENJ: PHILIPS

Orange County came Tho^s Low before me and made Oath that he was present when Joseph Richison paid off Benj: Philips and saw said Philips give said Richison a full rec^t

Sworn before me —

JOHN OLIVER

A true Copie

This Day Steven Jones appeared before me one of His Majesty's Justices of the Peace for y^e County of Orange and made Oath that in the year 1767, said Jones caus'd a Writ to be serv'd on John Erven for six pounds Proclam^a that ameadiately on serving said Writ said Erven compromising matters withdrew y^e action whereby the Deponent became liable for the Cost and in consequence thereof had an Execⁿ serv'd on his Body for the same by John Woods Deputy Sheriff and for his Fees and the Clarks besides thirty shillings, that said Jones gave his Note of Hand to the Attorney who demanded fifty shillings and eight pence, which he the said Jones paid accordingly as not dareing to dispute the injustice thereof however sensible he was of it and farther saith not —

Sworn before me this 19th day of May 1768.

A true Copie

JOHN M. GEE

ORANGE COUNTY

James Richison appeared personally before me one of His Majesty's Justices of the Peace in said County and made Oath that the money was paid for Administration as appears by the account and rec^t as underneath, and on his Oath saith he insisted from one time to another for the said letters of Administration and never could have them.

Sworn before me this 26th day of May 1768.

JOHN M. GEE

The above Richison was married to the said Elizabeth Hollingsworth.

A true Copie

| | £ | s. | d. |
|--------------------|-------|----|----|
| 1 Piece Gold ----- | 1 | 17 | 6 |
| 2 Dollars ----- | | 16 | |
| Prock ----- | | 3 | 10 |
| | <hr/> | | |
| | £2 | 17 | 4 |

Rec^d the above in full for Letters Testamentary of Elizabeth Hollingsworth Aug: 1766.

A true Copie

F. NASH

Jacob Gregg declares to the Regulators that he paid two pounds, seventeen shillings and four pence to Frances Nash for Letters of Administration & got none which he is willing to be qualified at any time.

JACOB GREGG.

The Deposition of George Adam Sally, taken this 21st day of May 1768 is as follows viz: That he the said Deponent having been security for James Webb for a debt of five pounds had *Sirire Facias* served on him, the said Deponent, and the charges which he was obliged to pay on the same amounted to seven pounds, thirteen shillings & four pence, again on an Indictment for the said Depon^t: saith, he is and ever was ignorant of the cause, paid ten Dollars at eight and four pence each, & on the same Indictment at another time, paid thirty five shillings and six pence again for taking out a writ in his said Deponent's name, he paid forty four shillings and four pence, tho' never any sute occurred on said Writ, and after the same had stood three years, he the said Deponent was served with an execution for the Fees, and paid four pounds nine shillings and six pence although the same had never been docketed or any issue thereon, next he the said Deponent saith that he paid twenty six shillings and eight pence for recording two deeds and further saith not.

This Day came before me George Adam Sally and made Oath before me one of His Majesty's Justices of the Peace for the County of Orange that all the Articles contained in the above Deposition are just and true.

Served before me this 21st day of May 1768.

A true Copy.

W^m. THOMPSON.

Orange County. William Cox paid two pounds seven and four pence for Letters of Administration last February was a year at Court and never has received them as yet altho' application has been made by sundry messengers for them the 7th of May 1768.

WILLIAM COX.

Time did not admit proving.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

COUNCIL JOURNALS.

At a Council held in Wilmington 31st May 1768

Present

His Excellency the Governor

| | | | | | |
|---------------|---|-----------------|------------------|---|----------|
| The Honorable | { | James Hasell | William Dry | } | Esquires |
| | | John Rutherford | Benjamin Heron | | |
| | | Lewis DeRosset | Samuel Strudwick | | |

His Excellency was pleased to lay before this Board a letter from the Earl of Hillsboro, one of His Majestys Principal Secretarys of State, bearing the date 23rd of January 1768, requiring a compleat collection of the Laws of this Government, to be transmitted to him by the first opportunity to be laid before his Majesty — Ordered that the Secretary procure the same as soon as possible.

He also laid before this Board another letter from His Lordship bearing date the 23rd of February 1768, notifying His Majestys decision concerning the Quit Rents due by Henry M^cCulloh and his Associates, as his Majestys Order of Council dated ----- at St James the 1st of February 1768, And also signifying that His Majesty in consequence of a report from the Board of Trade dated the 4th February 1768 does not think proper that the Office of Baron of the Exchequer should be discontinued — His Majestys Order in Council being read, Ordered the same be recorded in the Secretarys Office, and that the Bond given by the Honble Henry Eustace M^cCulloh in the sum of Ten thousand pounds proclamation money be cancelled, Which was this day done in Council and that the Receiver General give to the tenants holding in fee under the above associates that they shall not be at any time liable to pay Quit Rents for the escheated and surrendered lands.

[FROM MS. RECORDS IN OFFICE OF THE SECRETARY OF STATE.]

NORTH CAROLINA — Ss

Know all men by these presents that we John Burgwin & Hugh Waddell ——— both of New Hanover County & Province aforesaid

Esquires are held & firmly Bound unto our Sovereign Lord the King his Heirs & Successors in the penal sum of Two Thousand Pounds to be paid to our said Sovereign Lord the King his Heirs & Successors for which Payment well and truly to be made We Bind ourselves and each of us our each and every of our Heirs Executors & Administrators firmly by these presents sealed with our seals and dated this first day of June Anno Dom 1768.

Whereas the Honble Martin Howard Esquire Chief Justice of the Province of North Carolina has been pleased by his Commission bearing the same date with these presents to appoint and continue the above Bound John Burgwin Clerk of the Superior Court of Justices for the District of Wilmington If therefore the said John Burgwin shall safely keep the Records of the said Court & faithfully discharge his Duty in Office during his continuance therein then the above Obligation to be Void or else to remain in full force and virtue.

JOHN BURGWIN
HU. WADDELL

Signed & Delivered in presence of
EDWARD CHIVIN.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

COUNCIL JOURNALS.

At a Council held at Brunswick 4th June 1768

Present

His Excellency the Governor.

| | | | | |
|------------|---|-----------------|----------------|------------|
| The Honble | { | James Hasell | William Dry | } Esquires |
| | | John Rutherford | and | |
| | | John Sampson | Benjamin Heron | |

Thomas Haywood Esq^r Commander of His Majestys Sloop *Martin* appeared at this Board, and desired His Excellencys leave, to communicate the part of his Instructions from the Lords Commissioners of the Admiralty that relate to this Province, which were read accordingly, and His Excellency was pleased to Order the same to be entered in the Council Journals, as follows, Viz^t

By the Commissioners for Executing the Offices of Lord High Admiral of Great Britain and Ireland.

Whereas we have appointed His Majestys Sloop under your Command to attend upon the province of North Carolina, and to cruise upon the Coasts thereof from Cape Hatterass to Cape Fear,

Upon your arrival at that Province you are to communicate these our instructions to the Governor and Council thereof, with whom you are from time to time to advise and consult in what manner the said Sloop may be best employed in guarding the Coast, and securing the trade bound to and from that Colony from any attempts of Pirates, or others, and you are to govern yourself therein, according to what shall be agreed on, as far as you shall judge the same may be done without apparent danger to the said Sloop, using your utmost endeavours to take or destroy any Pirate Ships or Vessells that may come upon the Coast.

You are to hold a constant correspondence with the Commanders of His Majestys Ships and Vessells, which shall from time to time be stationed at South Carolina and Virginia; And if at any time you find that Pirates too strong for the Sloop you Command infest your Station, you are immediately to send notice thereof to the Commanders of the said Ships and Vessells, who will thereupon repair to your Assistance; And if they should at any time send the like notice to you of Pirates infesting their Station, you are to repair with the utmost diligence to their assistance, communicating as soon as possible to the Governor and Council of North Carolina the intelligence you shall have received, and the measures you shall have taken thereupon.

EDW^d HAWKS
C. TOWNSEND
PIERCY BRETT

To Captain Hayward Commander of His Majestys Sloop, *Martin*, at the Nore

By Command of their Lordships

P^h. STEPHENS.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to the Reverend Doct^r Burton Secretary to S. P. G.

BRUNSWICK 10th June 1768.

I must desire leave to introduce to your friendly offices the Reverend Mr Wills the bearer of this letter, He has been officiating as minister in the county of New Hanover these two years past but finding the parochial duties very extensive, his health impaired, and upon no settled establishment he has taken his departure home with an intention if his health should be reestablished and he can obtain the Bishop of London's patronage, and encouragement from your Society, to return to us again. I have wrote to my Lord Bishop on this subject and am now to request the favor of you to lay before the Society for the propagation of the Gospel my solicitation that Mr Wills may have the benefit of the mission that was given to Mr Moir deceased, I had wrote to request that this mission might be given to the Reverend Mr Agar, but as I believe he has now given up all thoughts of settling in this government I hope Mr Wills may enjoy it, He is a young man of real worth and I am persuaded has not left a whisper to his prejudice in this country

You will please to return the Society my unfeigned thanks for the twenty quarto Bibles and as many prayer books with a large number of books of their proceedings for 1766 and 1767 all which I shall distribute in the parishes as I see occasion.

I am Sir &c.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to the Bishop of London.

BRUNSWICK 11th June 1768.

I was solicited a few days ago by Mr Giffard a young man who is engaged with a company of comedians now in this province to recommend him to your Lordship for ordination orders, he having been invited by some principal gentlemen of the province, to be inducted into a parish and to set up a school for the education

of youth, He assured me it was no sudden caprice that induced him to make this application but the result of very mature deliberation, that he was most wearied of the vague life of his present profession and fully persuaded he could employ his talent to more benefit to society by going into holy orders and superintending the education of the youth in this province. I candidly told Mr Giffard that his address to me was a matter of some surprise, that as to my own part I could have no reason to obstruct his present intentions, which might if steady and determined, be directed to the benefit of this country, but that I could not possibly flatter him with success with your Lordship, as I was not assured how far your Lordship would choose to take a member of the theatre into the church, I however promised him I would give testimony to your Lordship that during his residence in this province, his behaviour had been decent, regular, and commendable, as such my Lord I beg leave to present him to you leaving the propriety of the ordination to your Lordships wisdom. He takes this letter by way of Providence being under obligation of contract to attend the company there. If your Lordship grants Mr Giffard his petition you will take off the best player on the American stage

I am &c^a

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Earl Hillsborough

BRUNSWICK the 11th June 1768

I shall pay all possible regard and obedience to the intelligence you signify to me in your letter N^o 1, of the new arrangement his Majesty has been graciously pleased to make in the American Department by the appointment of your Lordship to be one of the Secretaries of State to dispatch the business of the colonies usually transacted by the Secretary of State for the Southern Department, as also his Majesty's commands that I address for the future my dispatches to your Lordship, conformable to his Majestys order in Council of the 8th of August 1766, a copy of which came inclosed to me. I shall likewise endeavour by every exertion in my power to comply with the other, his Majesty's requisitions, communicated to me in your Lordships said letter

I can with truth say, that this new created department seems highly agreeable to the gentlemen of America, and next to it they express great satisfaction at your Lordships being at the head of it, in which testimony I also am an American.

I am &c^a

[B. P. R. O. AM. & W. INDIES. VOL. 215.]

Earl Hillsborough to the Governor of North Carolina.

WHITEHALL June 11th 1768.

SIR,

In answer to that Part of your Letter N^o 24 which relates to M^r Crawford's Resignation of his Seat in the Assembly, I have only to inform you, that there is no Precedent of a Member resigning his seat in Parliament; and as the Usages and Precedents of the House of Commons are the Rules adopted by the Assembly of North Carolina, the House appears to have been mistaken in accepting the Resignation of M^r Crawford, and your forbearing to issue a Writ for a new Election till you could receive Instructions from Home was well judged. You will therefore set the House right with regard to this point, so as to prevent anything of a like Nature for the future.

His Majesty is much pleased that you have so good Reason to be satisfied with the Regularity and Harmony, that have prevailed in every other transaction in the Assembly; and makes no Doubt of the Continuance of these Dispositions under the Encouragement of your prudent and commendable Conduct.

The Accounts of the Expenses in running the Western Frontier Line of your Province are, I presume, perfectly right and reasonable, as You make no Observations upon them. But altho' You might have much Amusement and Satisfaction in the *Tour* You made upon that Occasion both from the Gratification of your Curiosity and of your public Spirit and Humanity, in observing the Happiness of an increasing and industrious Body of Inhabitants, I cannot but think your Generosity went too far in bearing your own Expenses, when employed in the Service of the Public.

As I have already said, The King is entirely satisfied with the Behaviour of the Council and Assembly, so dutiful towards His Majesty and so attentive to the true Interests of the Colony; it is therefore with Concern that His Majesty sees the strong Desire they

still entertain to introduce again the pernicious Medium of a Paper Currency with a legal Tender, with regard to which I have wrote more fully to You in my Letter No. 7. In general however I have it in Command from His Majesty to assure You, that the Colony of North Carolina will, by a Continuance of their present Conduct, recommend themselves to His Majesty's Royal Favour, and will experience upon all occasions a peculiar share of His most gracious Countenance & Protection.

Your Letter N^o 25, in the farther Commendation of the Conduct of the Council, is perfectly agreeable to The King.

It is with Pleasure that I conclude my Letter with assuring You, that your conduct in your Government is entirely approved by His Majesty.

I am &c.^a
HILLSBOROUGH.

[FROM N. C. LETTER BOOK S. P. G.]

Mr. Barnett to the Secretary

BRUNSWICK 11th June 1768.

REVEREND SIR,

In my last I informed the Society I apprehended great delay in the finishing the New Church; but I now have the pleasure of acquainting the Venerable Board of its now being so nearly completed as with great decency to admit of the performance of Divine worship in it.

On Whit Tuesday I dedicated S^t Philip's Church with the assistance of the Reverend Mr. Wills of Wilmington.

Being wholly unacquainted with a proper form or mode of Dedication, I wrote to several Clergymen for their advice; but not one could give the least information.

I then drew up a form, which was approved of by His Excellency and the council, and indeed gave an universal satisfaction.

By the next Ship to London, I shall send a copy of the Form, and shall be happy if it is favored with the approbation of the Venerable Society or the Bishop of London.

The people of this Parish do still so violently oppose the presentation of the Crown to the Living, that I believe it will be found necessary for me to remove to another part of the province as my settling here, contrary to the inclination of the people, must render

my situation very disagreeable, and also prevent my being any longer useful here.

His Excellency our very worthy Governor has postponed the presentation for six months from Easter last, at the expiration of which time, if the people of Brunswick continue refractory, I am invited, and also by the Governor appointed to visit some of the Back Counties, where there are not any clergy, several parishes having petitioned His Excellency for Ministers particularly Granville and Northampton both of which have also sent invitations to me.

Permit me Sir to assure the Venerable Board that the people are so desirous of my stay with them on the usual terms, of an annual re-election as I have been informed, to be willing to make some addition to the former Salary, but this my inclination as well as my duty prevents my acquiescence with.

If I should be obliged to leave Brunswick I humbly ask leave to remove to Northampton or Granville counties.

I am the more encouraged to ask this permission as it is agreeable to his Excellency.

I beg the Society will be pleased to order a number of Prayer Books and Bibles to give away as they are very much wanted and none are to be purchased here. — Be pleased Sir to present my Dutiful respects to the Venerable Board. I am Rev^d Sir.

Yours &c.*

JOHN BARNETT.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Earl Hillsborough,

BRUNSWICK 13th June 1768

With the honor of your letter of the 20th of February N^o 3, I received the duplicate of the Address to his Majesty from the House of Commons of the 27th of March 1766. A copy of which was sent to me by the Lords of Trade; which address in compliance to his Majesty's commands as far as lay in my power I complied with in my letter to their Lordships bearing date 30th January 1767, a duplicate of which I take the liberty herewith to transmit to your Lordship. As no new manufactures have been set up in this colony since that period, or any carried on which came within my enquiries, which were not then taken notice of, I must request your Lordships

information in what manner I can more fully answer his Majestys instructions on these points or better fulfil the intentions of the House of Commons. It would be a severe and aggravating mortification to me knowingly to subject myself at once to his Majestys displeasure, and the censure of that august assembly.

I am, my Lord, &c

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to the Earl of Hillsborough,

BRUNSWICK 16th June 1768.

The disturbances that have happened in the counties of Orange and Anson are for the present subsided, and as I am informed the persons concerned in them who stiled themselves regulators, for the purposes of correcting pretended abuses of power, intending by an address, to lay the state of their grievances before me by petition, which when received I shall be better able to inform your Lordship of the particualar causes of their commotions, in which however, no mischiefs hath hitherto been done. In the mean time I shall take every measure in my power to secure and punish some of the ring leaders. In Anson county the mob turned the Justices off the bench during the sitting of the inferior court. In Orange county they, to the number of five hundred, came to the outskirts of the village of Hillsborough with a determination to release two of their party who were concerned in insulting a sheriff in the execution of his office; These two Col^o Fanning with admirable good conduct and spirit, had taken with a detachment of thirty men from within the heart of their settlements. The mob however were disappointed by the most resolute behavior of Col^o Fanning, who with one hundred and thirty men, all he could muster from his regiment made so good a disposition, and my proclamation getting up the day before the mob reached Hillsborough, they gave up their design and coming to a resolution to lay their imagined grievances before me they dispersed themselves. These regulators declare, I am told, among other things, they are not satisfied with the public and county taxes, and that it is not in their power to procure specie or currency, from its scarcity, to discharge them. Under such circumstances they have associated themselves together

by solemn oath, to prevent the sheriffs levying on their goods and chattles; However I shall be better informed of the genuine causes of the restless disposition that prevails among the inhabitants of several other counties in the province, tho' they have not yet shewed themselves openly, when I go up into the back country among them, which I purpose to do next week for the hot months.

If his Majesty in his wisdom shall grant the address of this colony for a currency, I persuade myself the public taxes would be collected without any obstruction.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

COUNCIL JOURNALS.

At a Council held at Brunswick 20th June 1768

Present.

His Excellency the Governor

| | | | | |
|------------|---|-----------------|------------------|------------|
| The Honble | { | James Hasell | William Dry | } Esquires |
| | | John Rutherford | Benjamin Heron | |
| | | Lewis DeRosset | Samuel Strudwick | |

His Excellency was pleased to lay before the Board a petition and sundry other papers relative to the late Disturbances in Orange County in Answer to which it is the unanimous opinion of the Board that his Excellency send the following Letter Viz^t

GENTLEMEN

I have received by the hands of Messrs Hunter and Howell a Petition and other papers subscribed by several of the Inhabitants lying on the South side of Haw River in the County of Orange under the borrowed Title of Regulators assuming to themselves Powers and Authorities unknown to the Constitution of calling Public Officers to a settlement, together with a narrative of their conduct and detail of the grievances and complaints against the Clerk of the Court, Register and other Public Officers, whose exactions and oppressions it's pretended has been the cause of the late Insurrections which have disturbed the peace of that part of the Country: These papers I have agreeable to your desire communicated to the Members of His Majestys Council, who having taken the same into their deliberate consideration, unanimously concur with me in Opinion

that the Grievances complained of by no means Warrant the extraordinary steps you have taken in assembling yourselves together in Arms, to the Obstruction of the Course of Justice, to the insult of Publick Officers of the Government in the Execution of their Offices and to the injury of private property: Measures as they manifestly tend to the subversion of the Constitution of this Government would inevitably if carried but a little further have been denominated and must have been treated as high treason, and consequently have involved the Abettors most of whom I am satisfied were actuated by honest Motives though incautiously drawn in to concur in Acts that might have terminated in the ruin and destruction of their Families while by illegal means they were intent on exempting themselves from Evils within the Remedy of the Laws of this Country; These calamities I trust are now removed by the timely proclamation I sent up to you by my Secretary and your own prudent determination to petition me in Council for the redress of the Grievances complained of—The discreet and steady behaviour of Col^o Fanning and the Officers and Men under his Command meet not only with the entire Approbation of myself and His Majestys Council, but will ever be acknowledged with gratitude by every unprejudiced well wisher of this Province. I take this opportunity to acquaint all those whose understandings have been run away with and whose passions have been led in Captivity by some evil designing men who actuated by cowardice and a sense of that Publick Justice which is due to their Crimes have obscured themselves from Publick view that in consideration of a determination to abide by my decision in Council it is my direction by the unanimous Advice of that Board that you do from hence forward desist from any further Meetings either by Verbal appointment or advertisement, That all Titles of Regulators or Associators cease among you, That the Sheriffs and other Officers of the Government are permitted without molestation to execute the duties of their respective Offices and that all Breaches of the peace against His Majestys Government may be examined and determined in a due course of Law. It is by your strict and punctual adherence to these directions that any further clemency on my part may be looked for. This was the extent of what I authorized Mr Edwards to declare on my behalf. And now that I have signified to you the sense of His Majestys Council entertains of the nature of your proceedings and the Requisitions I point out by their advice for your future conduct, I am to assure you willing as I am to listen to the

voice of distress and the just complaints of His Majestys Subjects and the hardships they may groan under, that I shall give His Majestys Attorney General Orders to prosecute every Officer who has been guilty of Extortion or illegal Practices in his Office upon any Application or information lodged with him by the Parties injured or any others who shall be authorized to prosecute on their behalf as also sit upon a proclamation on my arrival at Hillsborough forbidding all such dishonorable and illegal proceedings. You may further depend upon it I shall at all times endeavour to redress every other Grievance in my power that His Majestys Loyal Subjects may labor under.

As you want to be satisfied what is the amount of the Tax for the Publick Service for 1767 I am to inform you it is seven shillings a Taxable besides the County and Parish Taxes, the particulars of which I will give to Mr Hunter. I have only to add I shall be up at Hillsborough the beginning of next Month in the mean time I rest in full confidence I shall be again made happy by seeing industry prevailing over Faction, and Peace and Harmony triumphing over jealousy and murmuring in a Soil and climate the most fertile in the World and among a people who by a well directed industry may draw down blessings and prosperity to their Families, and greatly contribute to the Honour of His Majestys Government and the Happiness of my Administration.

At the Council Chamber Brunswick the 21st June 1768.

His Excellency acquainted this Board that he thought Col: Edmund Fanning of the Orange Regiment of Militia, together with the Officers and Men which were present under his command during the late disturbances at Hillsborough merited some publick testimony for their prudent and spirited behavior upon that occasion which being the unanimous opinion of His Majestys Council then present Col. Fanning was desired to appear and received the thanks of His Excellency and this Board accordingly and was requested to deliver the same to the officers and men who acted under his command.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

A PROCLAMATION.

Whereas Information hath been made to me by Thomas Hayward Esq. Commander of His Majesty's Sloop the *Martin* that daily desertions are made by the Sailors of the said Sloop to the great Prejudice of His Majestys Service, & that if an immediate stop be not put to such evils, He will be under the disagreeable necessity of impressing other Seamen from Merchants ships, which will consequently impede the Trade, & Commercial Interest of this Province, I have therefore thought proper for the Benefit of His Majesty's Service and the advancement of Commerce, to issue this my Proclamation hereby strictly directing & requiring His Majestys Justices of the Peace, and other the Kings Officers, to take up & detain all such Seamen as they shall suspect to have deserted from any of His Majestys Ships of War, until notice can be given to Captain Hayward Commander of the said Sloop the *Martin* laying off Brunswick, And I do hereby give Notice to all Tavern Keepers, and others who shall be detected in harbouring or concealing any Sailors Deserters from His Majestys Ships of War that they will subject themselves to the utmost rigour of the Law.

Given under my hand and the Great Seal &c. at Brunswick 24th
June 1768. W^m. TRYON.

[B. P. R. O. AMERICA AND WEST INDIES. VOL. 215.]

NORTH CAROLINA.

George the Third, by the Grace of God, of Great Britain, France, and Ireland, King Defender of the Faith, &c.

A Proclamation.

Whereas Complaints have been made to us, that exorbitant Fees have been demanded and taken in the several Public Offices in Our Colonies; to the great Dishonour of our service and the prejudice of our Public Interests:

We have thought proper hereby strictly to enjoin and require all Public Offices within our said Province, forthwith to cause fair Tables of their Fees, legally established, to be affixed up in their Respective Offices.

And We do further strictly enjoin and require all public Officers, in their respective stations throughout this Province, not to demand or receive other Fees, for public business transacted in their Offices, than what was established by proper authority, upon pain of being removed from their said Offices, and prosecuted with the utmost severity of the Law.

Witness our Trusty and Well beloved William Tryon, Esq: Our Captain General, Governor & Commander in Chief, in & over Our said Province, at Brunswick, the twenty first day of July, in the year of Our Lord one thousand seven hundred & sixty eight, & in the eighth year of our reign.

W^m. TRYON.

God save the King.

By His Excy's Commands

BENJ: HERON, Secretary.

[B. P. R. O. AM. & W. I. N. C. No. 216.]

Observations on the Thermometer Hillsborough 1768. North Carolina. July.

| THE MONTHS | HOOR 6 | HOOR 9 | HOOR 12 | HOOR 3 | HOOR 6 | HOOR 9 | HOOR 12 |
|------------|------------------|------------------|------------------|------------------|--------|--------|---------|
| 1 | | | | | | | |
| 2 | | | | | | | |
| 3 | | | | | | | |
| 4 | | | | | | | |
| 5 | | | | | | | |
| 6 | | | | | | | |
| 7 | | | | | | | |
| 8 | 60 | 62 | 75 $\frac{1}{2}$ | 77 | 77 | 73 | |
| 9 | 67 | 70 | 80 | 82 | 79 | 74 | |
| 10 | 72 | 77 | 82 | 83 | 73 | 71 | |
| 11 | 75 $\frac{1}{2}$ | 78 | 83 | 85 | 80 | 76 | 73 |
| 12 | 74 | 77 | 79 | 83 | 81 | 78 | |
| 13 | 72 | 77 $\frac{1}{2}$ | 82 | 85 | 79 | 75 | |
| 14 | 71 | 75 | 77 $\frac{1}{2}$ | 80 | 78 | 73 | |
| 15 | 71 | 75 | 76 | 77 | 70 | 64 | |
| 16 | 61 | 66 | 73 | 75 | 73 | 71 | |
| 17 | 62 | 67 | 74 | 76 | 72 | 70 | |
| 18 | 63 | 69 | 78 | 80 | 76 | 73 | |
| 19 | 63 | 71 | 78 | 82 | 79 | 75 | |
| 20 | 64 | 72 $\frac{1}{2}$ | 80 | 82 | 81 | 76 | |
| 21 | 72 | 75 | 82 | 84 | 80 | 78 | |
| 22 | 73 $\frac{1}{2}$ | 78 | 84 | 85 $\frac{1}{2}$ | 84 | 81 | |
| 23 | 75 | 79 | 83 | 84 | 79 | 77 | |
| 24 | 73 | 78 | 82 | 85 | 81 | 77 | |
| 25 | 76 | 78 | 83 | 85 | 81 | 75 | |
| 26 | 65 | 67 | 70 $\frac{1}{2}$ | 72 | 69 | 66 | |
| 27 | 61 | 69 | 72 | 79 | 72 | 72 | |
| 28 | 63 | 71 | 75 $\frac{1}{2}$ | 78 | 74 | 73 | |
| 29 | 64 | 70 | 77 | 80 | 78 | 76 | |
| 30 | 67 | 74 | 82 | 85 | 84 | 81 | |
| 31 | 74 $\frac{1}{2}$ | 76 | 76 | 77 | 78 | 77 | |

[B. P. R. O. AM. & W. I. N. C. No. 216.]

Deposition of Tyree Harris late Sheriff of Orange County

NORTH CAROLINA } No. 15.
Orange County }

This day came Tyree Harris before me James Thackston one of His Majesty's Justices of the Peace for the said County of Orange and being first sworn on the Holy Evangelists of Almighty God, Deposeth and Sayeth that on Monday y^e first day of August in the year of our Lord Christ one thousand seven hundred and sixty eight he set out to meet a Company of People called Regulators, at George Adam Sally's on Rocky river the next day, and accordingly met on the same day, a large number of men assembled a large part whereof were armed, and that on his arrival he delivered a Letter from His Excellency the Governor, to James Hunter, which he the said Hunter, publicly read and after reading thereof, he the said Hunter, read another Letter, which he said the Governor had before sent them, and then a Proclamation which this Deponent, carried in the first mentioned Letter, after which this Deponent mixed with the Company and it appeared to be the general resolution of the whole Assembly to pay no Taxes And this Deponent sayeth, that he heard several Persons to him unknown swear that they would kill any man who should dare to take anything from any of them till they came to a Settlement with many other menacing expressions against Officers in general; and this Deponent sayeth he heard W^m. Butler who appeared to be a Leader amongst them declare himself to this purpose, "We are determined not to pay the Tax for the next three years, for the Edifice or Governor's House We want no such House, nor will we pay for it." And on a further conversation which this Deponent had with William Butler, James Hunter and several others relative to his Proceeding, on his Collection of the Taxes agreeable to Law he does verily believe that had he distrained he should have endangered his Life. And furthermore this Deponent saith not—

TYREE HARRIS.

Sworn to before me at Hillsborough the 3rd day of August 1768.

JAMES THACKSTON.

NORTH CAROLINA } No. 16.
Orange County }

This Day came Ransom Sutherland before me James Thackston one of His Majesty's Justices of the Peace for the said County who being sworn on the Holy Evangelists of Almighty God Deposeth & saith That on Monday the first day of August 1768 he set out from Hillsborough in Company with M^r Tyree Harris the late Sheriff of the said County of Orange to a meeting of those people who stile themselves Regulators which he had heard was to be at the plantation of George Adam Sally's in the said County on the next day and that accordingly on Tuesday about 12 o'clock he this Deponent with the said Harris got to the said Sally's where on their arrival they found as near as this Deponent could tell about two hundred men assembled many of whom were armed, That soon after he saw the said Harris deliver a letter which he said he received from His Excellency the Governor to one of the Company viz. James Hunter, the said Hunter immediately read the same publickly in which it was recommended to them to pay their Levies due for the year 1767 to the said Harris and that they should not molest or disturb him or his deputies in the legal execution of their Office in collecting the same, after Hunter had finished reading the said letter the People seemed unanimously to deny paying their Taxes. This Deponent further sayeth that he heard the people say to the said Harris that if he should distrain on them for their Levies that they would abuse him and kill any Person that should distrain for their levies, further this Deponent sayeth that he does sincerely believe that those people would have murdered the said Harris or any other Officer that should have distrained for the Publick Taxes further this Deponent sayeth not—

RANSOM SUTHERLAND.

(Signed) JAMES THACKSTON.

The 3rd day of August 1768.

[B. P. R. O. AMERICA & W. INDIES. VOL. 215.]

Letter from Earl Hillsborough to Governor Tryon

WHITEHALL 13th August 1768.

SIR,

The Disturbances in the Counties of Orange and Anson appear, from the Circumstances related in your Letter, to have been of a

very dangerous Nature, and as the King gives full Credit to your Spirit and Activity in the Suppression of them so His Majesty has an entire Confidence in your Prudence that every necessary precaution will be taken to prevent the like riotous Proceedings for the future. At the same time it will be very satisfactory to His Majesty to be fully informed of the Causes of those Disturbances, to the End that if there appears to be any real Ground of Complaint, Measures may be taken to apply the proper remedy.

I have already, in my Letter N°. 11, been so full and explicit upon the Application made by the Council & Assembly of North Carolina for a Paper Currency, that I have nothing to add upon that Subject.

The Petition of the Members of the Council to His Majesty, praying an Allowance out of the Quit Rents in Consideration of the various Duties they are obliged to perform, has been communicated to the Board of Trade, and a favorable Report thereupon, from that Board, now lies before the Lords of the Committee of Council, but I do not expect that their Lordships will come to any Determination upon it, until they know the Sentiments of the Lords Commissioners of the Treasury.

I am &c^a
HILLSBOROUGH.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

COUNCIL JOURNALS.

At a Council held at Hillsborough 13th August 1768.

Present

His Excellency the Governor

| | | | |
|------------|---|---------------------|------------|
| The Honble | { | Alexander McCulloch | } Esquires |
| | | Robert Palmer | |
| | | Samuel Strudwick | |

His Excellency was pleased to inform this Board, that at His arrival at Hillsboro he had agreeable to his promise issued a proclamation strictly forbidding all publick officers from taking more than the fees established by Law, and that having been five weeks in this Town without receiving any answer to his letter dated from the Council Chamber at Brunswick the 21st June addressed to the

Inhabitants on the South side of Haw River, and having certain information that these people continue their unlawful assemblies and went on enrolling men, and confederating under a solemn engagement to obstruct the Laws, He had thought proper to direct Mr Harris the late Sheriff of Orange County to go to them at one of their meetings and demand the Publick Taxes, sending by him the following Letter to dispose them more cheerfully to submit to the payment of their levies.

GENTLEMEN,

In strict conformity to the promises I made you in my letter dated from the Council Chamber at Brunswick I issued a proclamation on my arrival at Hillsborough a copy of which I herewith transmit to you. I also gave Mr Attorney General, Orders to prosecute at Law all Publick Officers in your County for abuses in their Offices, on a application made to him by or in behalf of the parties injured.

It is therefore by my advice and consent that Mr Tyree Harris waits on you to proceed in the collection of the Publick County and Parochial Taxes of Orange County for the year 1767.

I have the fullest confidence that you will agreeable to the direction of my above mentioned Letter to you and in Justice to the principles of your engagement to abide by my decision in Council make it a matter of Honour and Conscience among yourselves that Mr Harris and his deputies shall not meet with any interruption in so essential and immediately necessary a discharge of his duty in obedience to the Laws of this Country.

W^m. TRYON.

HILLSBOROUGH 1st August 1768.

That the Sheriff at his return acquainted His Excellency that the Insurgents to a man refused to pay their taxes and threatened the life of any person who should attempt to distrain for them; these menaces had such an effect on the Sheriff and his deputy that they durst not proceed to a distress, That on the 5th of August His Excellency received a Letter from the persons stiling themselves Regulators by the hands of Messrs Hunter and Lowe as follows

MAY IT PLEASE YOUR EXCELLENCY,

In your Excellency's gracious Answer to our Petition &c by Messrs Hunter & Howell you were pleased to inform us that you

had laid our papers before the Hon^{ble} the Members of His Majesty's Council for which we return you our sincere & hearty thanks tho' had you conformable to your wonted Goodness graciously condescended to have laid them before the whole of that Board our thanks on this Occasion had been rather more unfeigned; your gracious promise of setting upon your arrivall at Hillsborough a Proclamation forbidding all Officers the taking or even demanding illegal and exorbitant Fees on pain of your highest displeasure gave us some encouragement and hopes of redress especially on information you had really performed your promise but when we were assured the register had in open violence thereof taken nine shillings and four pence expressly contrary to Law for recording of deeds our hopes Vanished fearing your orders to the Attorney General may be as little regarded and that a poor man will get no real redress for, your Excellency may easily perceive how little regard these men pay to your injunctions how little dread your displeasure Neither does these Considerations alone deter us from a measure whereby to obtain Justice pointed out to us by your Excellency as the most salutary But our Gentlemen have got a trick of late of suing such as demand only their just debts and sue for them to some distant District when they are in the way of their business This was the case of poor Touchstone who having repeatedly dunn'd Colonel Fanning and his Agent to no purpose for a sum due to him and despairing to obtain it commenced an action against the Agent for which crime, the Colonel served him with a general Court Writ to appear at Halifax Superior Court and altho' the Colonel paid what costs accerued thereon yet poor Touchstone who lives in Anson by attendance, loss of time and expences to his very great damage and this we humbly apprehend must be the case with everyone who should enter into Law Contest with our powerful antagonists Pardon us therefore great Sir when we tell you in the anguish of our Souls that we cannot, dare not go to law as we are sure that step whenever taken will terminate inevitably in the ruin of ourselves & Families unless other means are established wherewith to ward off and invalidate these dreadfully dangerous consequences seeing therefore that these sons of Zeruiah are like to prove too hard for your Excellency as well as for us and seeing you are disregarded in everything you are graciously pleased to speak or act in our favour We have come to a resolution to Petition the Lower House as the other branch of the Legislature in order to strengthen your Excellency's hands that by the

concurrence and timely aid of that respectable Body you may be enabled to curb the insolence and avarice of these overgrown Members of the Commonwealth and thereby haply for all Parties establish Peace, Harmony and Concord throughout the Country and as our dernier resort should this method fail us we have nothing left but to pass by the Injustice, stagger along under our heavy burdens & secretly and silently lament the Peculiarity of our fate which has made us the unhappy objects of oppression without affording us the most distant prospect or latent means of redress — Your Excellency is pleased to observe that you Hope again to be made happy on seeing a spirit of industry prevailing among us over faction and discontent. Great Sir, all that know us can bear witness for us that while we held anything we could call our own few People on earth were more industrious than we but alas since the iron hand of tyranny has displayed its baneful influences over us with impunity how has dejection, indifference and melancholy & Chagrin diffusively spread themselves far and wide among us and unless some propitious being in form either of your Excellency our Assembly or both graciously condescend to use your united efforts to extricate us, out of our present misery and secure us in our rights and properties the sullenness and gloom which we are already seized will fix deep in our intellects and a general disregard to everything here below ensue as a consequence thereof nor shall we strive after any more than barely to keep these our tottering frames from falling to pieces until death in compassion to our sufferings and in commiseration of our wrongs shall kindly appear in the shape of a Halter, Bullet, Sword or perhaps in his natural shape and remove us from this spot of dirt about which and its products there is so much contention and animosity till when and at all times hereafter may your Excellency's Portion be as the dew of Heaven and the fat things of the earth, ardently wish and sincerely pray your Excellency's Devoted Humble Servants

Signed

FRANCIS DORSET

W^m. PAINE

PETER CRAVEN

PETER JULIAN

JACOB FUDGE

RICHARD CHEEK, a Dutchman

CHARLES SAXON

NINIAN HAMILTON.

Note.—The above letter was delivered to the Governor the 5th of August 1768 by Messrs Lowe and Hunter at Hillsborough, which letter was read in Council, this letter he promised to answer the 17th as he shortly expected the arrival of some Members of His Majesty's Council whom he chose to consult on the subject—That in the night of the 11th he had intelligence that a number of Insurgents said to be upwards of one thousand, were Assembled in Arms within twenty miles of Hillsborough, and were suspected to have formed some evil designs against the Town and its Inhabitants, for the prevention of which he had ordered in the nearest companies of Militia: But upon subsequent information that the Insurgents had collected themselves upon a false alarm and were actually dispersed, His Excellency had thought proper to dismiss the militia after having administered the following oath to upwards of four hundred Officers and men which they took with great expressions of Loyalty.

I, A B, Do solemnly promise and swear that I will bear true Allegiance to His Majesty King George the Third. So help me God.

I, A B, Do sincerely and faithfully promise and swear that I will with heart and hand, life and goods, maintain and defend His Majesty's Government and the Laws and Constitution of the Province of North Carolina against all persons whatsoever who shall attempt to alter Obstruct or prevent the due administration of the Laws and the Public Peace and Tranquility of the said province. So help me God.

His Excellency therefore desires the opinion of the Council what measures they would recommend to be pursued [in] the present exigency.

The Board having taken the several matters before mentioned into their serious consideration are unanimously of opinion, That His Excellency should write the following Letter to the persons assuming the Title of Regulators, and that in case of their noncompliance with the requisition contained therein he should take the most effectual measures to preserve the public tranquility, and support the due Administration of the Laws by drawing out the Militia and employing them as may be most expedient for these salutary purposes,

GENTLEMEN,

I had every reasonable hope that my Letter to you from the Council Chamber of the 21st of June would have given you not

only the most Cordial satisfaction, but have prompted you with the most ardent zeal to have immediately subscribed to every direction contained therein, conformable to the declared Resolution in your Address to me:

It is with a sincere Regret I at this time reflect on the disobedient and ungrateful return you have made me both by your disregard to every part of my directions in the above mentioned letter and your refusal to pay your Publick levies to Mr Harris late Sheriff who demanded them of you on the second of this Month at a general meeting in virtue of his Legal powers and in compliance with the letter I sent you by him urging the immediate payment thereof.

The candour with which I treated the rash and precipitate steps of your past conduct and the just means and effectual measures I pointed out for removing the causes of your complaints would have given ample satisfaction to every man who petitioned me with an intention to be satisfied with Justice.

By your letter delivered to me the 5th Instant by the hands of Mess^{rs} Lowe and Hunter, I have the mortification to find every lenient measure of mine has been prevented, and the friendly aid I offered to correct the abuses in public Offices (which it was my duty to tender) considered by you as insufficient.

The force of the proclamation was to caution public officers against and to prevent as much as possible extortion: It is the province of the Courts of Law to Judge and punish the Extortioner.

The dissatisfaction also you express that your address and papers were not laid before the whole Council is equally groundless with your declarations of the insufficiency of the proclamation.

By His Majestys Commission and instruction, three Councillors make a Board; and with five members business may be transacted of the highest Dignity: Whereas six gentlemen of the Council were present when your address and papers were laid before that Board.

The Resolution you have taken to petition the Legislative Body is extremely agreeable to me. My services on that occasion shall not be wanting to redress any real grievances.

It is necessary I should now inform you in humanity to your misguided passions, and in Justice to the Integrity of my intentions, that you are pursuing measures highly criminal and illegal; and it is a circumstance of real affliction to me when I consider you as acting upon principles no less void of Faith and Honour than inconsistent with every Moral and Religious duty.

You have given occasion to every man of property and probity by the open and unreserved menaces you have thrown out against the lives and properties of many of the Inhabitants of this County to look upon your designs as bent rather upon destroying the peace of this Government, and the security of its Inhabitants, than a wish or intention to wait for any legal process against those you imagine have abused their publick Trust.

Upon these alarming prospects I esteem it my duty to provide for the safety of Government and to take care that the Publick receives no danger.

To prevent therefore as much as possible the heavy expence that must accrue to the Province by providing against the insults that are intended to be offered to His Majestys Superior Court of Justice, I am peremptory to require on your part, that at least twelve of your principals and those of the first property, wait upon me at Salisbury on Thursday the 25th of this month, and there execute in my presence a Bond of one thousand pounds as a security that no rescue shall be made of William Butler and Harmond Husbands at the Superior Court at Hillsborough they being under recognizances then to appear and take their tryal.

Signed

W^m. TRYON.

[B. P. R. O. AM. & W. I. N. C. No. 216.]

Address from the Inhabitants in Anson County.

To HIS EXCELLENCY GOVERNOR TRYON.

EXCELLENT SIR,

We make no doubt but that you will soon hear the disagreeable news of the disorders of the unfortunate County of Anson We therefore take this opportunity to inform you the cause and manner of it, in which we blame ourselves, for not having first addressed your Excellency on the Occasion of our complaints, who could, and no doubt would have removed our Grievances and have prevented the rumour of Faction and Disorder. But being long under the growing weight of oppression became precipitate, and rash, and thought to change the state of the County in a different manner to have suppressed the Offenders, and made them wary of their employment—For which purpose formed ourselves into which the opposite Party

called a mob of about five hundred men, resolving should no happier event interfere to our succor to have defended our cause in the disagreeable manner of a force, and to have persisted unto blood, We looking on it at that time much out of our Powers to have kindness from your Excellency as our leading men were best acquainted, whose assertions we feared would have greatest weight with your Excellency. But whenever considered that neither Prince nor Governor who has the good of his People at heart would see them oppressed to gratify the errors and ambition of any particular Persons, who are Anthony Hutchins, Colonel Samuel Spencer, Charles Medlock and their Assistants the Justices and Sheriffs &c. Persons chiefly recommended to your Excellency by Hutchins and Spencer to answer their partial views and Purposes, under whose influence they act the Magistrate part through fear as fearing to offend the Persons who conferred the Honors on them, and part ignorance as not knowing what to do, they being a number of very poor ignorant and almost illiterate men Under such their inability they proceed to the Administration, of what they call public Justice which Property and character are extremely doubtful & precarious, as innocent Persons are committed to Gaol by the Gaoler himself being a magistrate and then put to considerable expence, and then discharged without form of Tryal to conceal their Injustice. Amongst other things they tax the People in an unusual manner which are as follows.

First Persons who commit capital offences are committed to the County Gaol and there retained five or six months, a County Tax is laid to defray the expence when it is notoriously known it is a Province Expence, But Medlock the late Sheriff stop't not there, but proceeded by Mr Spencer the Clerk and Member for the County to have the same claim allowed by the Assembly, and were only prevented as we are informed by its being proved to the Committee of Claims that the Prisoners had made satisfaction themselves— These things were not unknown to Mr Spencer when he laid Medlock's claim before the Assembly. In the next place where the Justices are in possession of Public Ferries they establish them free at times pretending for the free passage of Courtiers a considerable Tax is laid for that Purpose. In the next place they tax considerable sums of money for particular Persons, who not having a right thereto, the Magistrates after receive back part, if not all to their own use. All these things can be made to appear, and we conceive that no People have a right to be taxed, but by the consent of themselves or their Delegates. But

here the Magistrates assume it, then the Sheriffs who receive the Tax particularly Medlock and his Associates have made a constant practice to exact 2.8. for distress money, when no distress is made nor necessary to be made, and also have taxed different sums from the People according to their non acquaintance with the right Tax so that several different sums were received from the People in the same year surmounting the right Tax. As to the Clerk his extortions are burthensome to all that fall in his power as he takes double and some times treble his due—And tho' it is true he purchased his Office from Colonel Frohock and gave to the amount of one hundred and fifty pounds for it yet it's unreasonable we should bear the expence by way of extortion. Please Sir, to enquire of M^r Edwards, touching the connection of Hutchins Spencer and Medlock, and their unreasonable method of proceeding by means of their influence over the ignorant Magistrates as he has doubtless made some observation on their behaviour. This and much more are the causes of the present disturbances which we humbly pray your Excellency will please to reconcile by discharging the most of the Magistrates from their seats, & appointing better men, more capable and willing to discharge that Office, and also the Clerk if it seems right to you. Sir, if you in your wisdom think meet so to do we beg leave as we have no Person to represent us to inform your Excellency of the Magistrates which are unqualified for that Office and ought to be discharged, and also to recommend by the voice of the County such Persons as will judiciously discharge their several Offices & immediately upon such alterations the minds of the People will be at ease, and each one to his former obedience, and ready to discharge according to their abilities every expence necessary for the support of Government, and we as Petitioners in Duty bound shall ever pray—

| | | |
|--------------------------|-------------------------|---|
| Solo ⁿ Crofts | James Round | William Bosil |
| Tho ^s Ussery | Tho ^s Masen | Harklis Conkwrite |
| Jn ^o Skinner | W ^m Betten | W ^m Fielding |
| And: Fortinberry | W ^m Rogers | Patt: Boggen |
| Lewis Lord | Tho: Mims | Tho ^s Fanning |
| Joseph Howel | Cha ^s Henson | John Jenkins |
| Jason Meadow | Malachi Watts | Tho ^s Fanning jun ^r |
| Ja ^s Almond | Cha ^s Pooth | Patrick Saunders |
| Job Cilleadon | Ab ^m Buskin | Jn ^o Caterhan |
| James Lowry | Nath ^l Wood | James Short |

| | | |
|---------------------------------------|---|--|
| Ja ^s MacMeot | Mark Rushen | W ^m Short |
| Daniel Short | W ^m Hickman | John Henson |
| James Colbon | John Baile | Robert Thorn |
| Ch: Walkinford | John Hornback | Robert Ashley |
| Tho ^s Free | Tho. Harper | Peter Brisley |
| You ⁿ Helms | Sam ^l Harper | Samps Thomas |
| W ^m Tours | Ja ^s Adams | James Higgins |
| Jn ^o Fretinberry | Amos Pilgrim | W ^m Higgins |
| Delany Herring | W ^m Adams | Frank Jordon |
| Jn ^o Touchberry | Tho ^s Adams | Jn ^o Higgins |
| Jacob Collins | Jas. Barindine | Tho ^s Jordon |
| Joshua Collins | W ^m Barindine jun ^r | Jn ^o Carpenter |
| Tho. Swearingen | W ^m Barindine s ^r | Sam Touchberry |
| Isaac Armstrong | Sam ^l Bruton | John Web |
| Jn ^o Swor sen ^r | Sam ^l Williams | Tho ^s Mims |
| J. Swor jun ^r | Sol ⁿ Williams | Abra ^m Harper |
| S. Swearingen | Benj: Barrit | Tho ^s Harper jun ^r |
| Reben Woodard | W ^m Burns | Joseph Burham |
| Van Swearingen | J ⁿ Poston | John Brus |
| Luke Robinson | Hen: Fostinberry | Joseph English |
| Ralph Mason | W ^m Rogers | Dennis Nolsen sen ^r |
| Jn ^o Mason | Geo. Marchbanks | Jn ^o Bennett |
| Tho ^s Mason | W ^m Bugen | Anth: Matthews |

His Excellency's Answer to the Anson Petition

GENTLEMEN,

The various matters of Complaint in your Petition to me delivered by M^r Luke Robinson are of so extraordinary and unusual a nature, that they require the consultation of His Majesty's Council which are far distant from me, at present. Such part of your asserted Grievances as regard the Extortion of Public Officers will be remedied by the Parties who have been injured applying to the Attorney General who shall receive directions from me to prosecute those who have abused their Public Trusts — As to the Insults you offered to the Magistrates in the execution of their Offices at the inferior Court of your County, will be a subject of Enquiry at His Majesty's Superior Court of Salisbury District — The acknowledgment however you make of the guilt of so rash and illegal a Proceeding will if accompanied with a future good Behaviour and a dutiful submission

to the Laws of your County, entitle you to some lenity from the Court as well as from Me. The enclosed Proclamation will be sufficient to satisfy you of the just abhorrence His Majesty entertains of the dishonorable Practices complained of in Public Offices.

WILLIAM TRYON.

Hillsborough 16th August 1768.

NOTE.—No. 24 is the Printed Proclamation herewith transmitted. [See *ante* page 751].—EDITOR.

The Insurgents Letter to the Governor.

August 19th 1768.

MAY IT PLEASE YOUR EXCELLENCY,

We received your letter by the hands of Mr Lee at the only time that ever our Officers showed any real intention of informing us to what uses our money is applied and at a time when we had hopes and were persuaded matters were likely to be settled to the peace and satisfaction of the Public. But finding by it that your Excellency was displeased and charges us with breach of Honor and that we have given occasion for to be looked on as rather bent on destroying the peace of this Government than to wait for Justice.

At which we are truly affected with sorrow and concern at the the thoughts of any differences arising between your Excellency and us, and that as through false reports and alarms the commonalty under Oppression have been incensed and occasion given we determine to use our utmost endeavors to guard against such Offences for the future.

But amidst our sorrow we are rejoiced to find your Excellency to be agreeable to our resolutions, to petition the Legislative Body which is generally agreed on.

As to the demand for security, not to rescue the prisoners, we beg that it may be considered that the alarms of raising men and Indians to cut off the Inhabitants of this County as Rebels, when they know in their hearts and Consciences they were guilty of no other Crime, but endeavoring to obtain justice, and detect fraudulent practices in the officers which has been so common in this Province that it is mentioned in many Public Acts of Assembly made to remedy the same which constantly prove unsuccessful, and we conceive ever will be so until the Public is encouraged to assist, and help by complaining and producing matters of fact, against the particulars.

Now these alarms were thought by the most considerate men to be without ground who interposed, pacified and moderated the People, and these it is likely may be looked on as the Principals or leading men. And these will ever use the same care, and will no doubt be always able to govern the multitude by reason & yet would be unwilling to enter into bonds, for the noise of such a step would be rather more likely to hinder their influence.

Moreover there never was any intent to rescue Prisoners but to beg and pray of the Governor to dissolve the House of Assembly and so far as we know the sentiments of the people in general, this one step alone, would at once stop every mouth and every complaint, but what would go through and by way of such Representatives as would then be chosen.

As the Governor may observe by the Detail of our Proceedings, that it was the Representatives refusing us a Conference, and threatening us for requesting one, and frightening and deterring us from petitioning for redress, that first gave occasion for disorder — Therefore as the stopping the free Passage of this Channel for Relief, has occasioned the Obstruction of good order, so the opening of which passage, will as assuredly restore it again.

JAMES HUNTER
THO^s WELBORN
PETER JULIAN

Signed in behalf & by Order of the Regulators.

Insurgents Letter to the Governor delivered by James Hunter when the Troops were on the march from Salisbury to Hillsborough.

MAY IT PLEASE YOUR EXCELLENCY,

The general rumour prevails that a large Drove of Cattle are shortly to pass through our Settlement by your Excellency's Direction. Pardon us Sir when we signify a measure so very prejudicial to our interests gives us some Pain as a number of Cattle have been already lost through distempers spread among us by Drovers from the South and as the common method used in such cases have been to stop such Drovers we hope we shall not be drove to the necessity of using such roughness in any affair wherein your Excellency is concerned & therefore rely on your Excellency's giving positive Orders to stop said Drovers.

As various rumours are daily spread that your Excellency designs to try, hang & condemn all those who bear the title of regulators

and all who abet and adhere to them as rebels and Traitors, and that you are enlisting forces into the nature of standing regiments in order to carry your designs into execution, let us premise that we declare we bear true and faithful allegiance, and what is more unfeigned love to our dread Sovereign Lord and royal Master King Geo 3rd now on the British throne, and will when occasion requires fight for and defend him to the last drop of blood, and that we highly venerate the British Constitution and would not change it for any form of Government existing. And lastly that we bear no ill-will to any but our cruel Oppressors from which number we exclude your Excellency. But will nothing propitiate but our blood, we are determined at all events to fall like men, and sell our lives at the very dearest rate.

We humbly therefore hope you will be pleased to inform us whether these rumors are true that we may know what to depend upon, always believing such designs never existed in your Excellency's intentions, seeing they are diametrically opposite to your known candor, justice, goodness and lenity from Sir,

Your Excellency's

Very devoted humble servants

PETER JULIAN

JAMES EVANS

ABRAHAM TEAGUE

WILLIAM MOFFITT

Signed in Behalf and by Order of the Regulators.

We beseech you Sir not to drive us to despair.

Address from the Insurgents when assembled at Hillsborough

To HIS EXCELLENCY

The humble Address of the Inhabitants of several Counties called Regulators.

To HIS EXCELLENCY W^m TRYON ESQ^{re} GOVERNOR & COMMANDER
IN CHIEF OVER THE PROVINCE OF NORTH CAROLINA.

Whereas thro' the exactions & extortions of several Officers of Orange, we have involved ourselves in many difficulties and by means of reports, falsely spread the contention has arose to a great extremity & being desirous to submit ourselves to the clemency of your Excellency, and to lay aside all method of redress of our grievances, but by a due course of Law and beg that your Excel-

lency will forgive all our past offences by your gracious Proclamation, that peace and tranquility may be restored again, to all the Inhabitants of this Province, and confiding in your assistance and favour to execute the Laws against said exactions and extortions and conclude

Your dutiful Petitioners,

Signed in behalf of the said Counties

| | | |
|-----------------------------|-------------------------|-----------------------------|
| W ^m Moffitt | Peter Julian | Lewis Lowry |
| Chris ^r Nation | Sam ^l Low | John Marchill |
| W ^m Butler | Harmon Cox | Joshua Teague |
| J ^a Stringer | John Pyle | Tho ^s Swearinger |
| W ^m Strongfellow | W ^m Paine | Nath ^l Ashley |
| Ja ^s Billingley | Cha ^s Saxon | W ^m Barton |
| Solo ⁿ Gross | Ja ^s Younger | Mincher Litten |
| | Samuel Ray | |

Letter from the Presbyterian Ministers to Governor Tryon

TO HIS EXCELLENCY WILLIAM TRYON ESQ^r CAPTAIN GENERAL &
COMMANDER IN CHIEF IN AND OVER THE PROVINCE OF NORTH
CAROLINA

SIR,

We the Subscribers His Majesty's ever dutiful and loyal Subjects Presbyterian Ministers in this Province, beg leave to approach your Excellency with cordial professions of unshaken duty and loyalty to His Majesty's sacred Person and Government and to testify our duty and ready submission to the Laws of this Province and to your Excellency's Administration. With these sentiments glowing in our breasts, we cannot but express our abhorrence of the present turbulent and disorderly spirit that shows itself in some parts of this Province, and we beg leave to assure your Excellency that we will exert our utmost abilities, to prevent the infection spreading among the People of our charge, and among the whole Presbyterian Body in this Province as far as our influence will extend.

We humbly hope your Excellency has found but a very small proportion of the People of our Denomination, among the present Insurgents, and we assure you Sir, if any such there are, they have departed from the invariable Principles of their Profession, which some bred in this Wilderness, for want of proper Instruction, may be supposed ignorant of.

Fully sensible of the happiness of our situation in point of Religious Liberty, we shall not fail at all times to inculcate and proclaim the glorious and catholic doctrines of Faith, Piety, Virtue and Loyalty so as best to promote the glory of our Divine Master, the best Interests of mankind, the Honor of His Majesty's Government, and the ease and comfort of your Excellency's Administration.

We congratulate our Country Sir, that while your Excellency steadily refuses to grant anything on compulsion to the demands of unreasonable men, you have at the same time made the cause of the poor so much your own, as to ensure to them the redress of any grievances they may labour under, in the way prescribed by the Laws of their Country.

That Heaven may bless your Excellency, the other branches of this Legislature, and the whole body of this Province, that all parties of Christians, may unite as one man to strengthen your hands at this Season That you may weather the Storm with dignity to yourself and Government, and compassion to the deluded, and unwary, and be long continued among us a Pattern, and Patron of Virtue, and Piety, Steadiness and Condescension is the sincere Prayer of

Your Excellency's most Obedient
and most humble Servants

HUGH McCADDON
JAMES CRESWELL
HENRY PATILLO
DAV^d CALDWELL.

Hawfields 23rd August 1768.

Letter from the Presbyterian Pastors to the Presbyterian Inhabitants of North Carolina.

DEAR BRETHREN,

It is with great concern and regret that we view the present Opposition to Order, Law and Government in sundry parts of this Province, and it is with equal concern that we find ourselves unable to assert with truth, that not one of our Profession is engaged in it; It is however our hope and wish, that the number of regular Presbyterians, among the present Insurgents is very small, and to those who may have been seduced from the peaceable Deportment and Loyalty of their Profession & Ancestors, we affectionately address Ourselves as followeth.

We consider the scattered & destitute situation of the Presbyterian Church in this Province through the scarcity of Ministers, and the annual increase of our vacant Congregation, and tho' there are now a few Ministers settled among you, and the reverend Synod of New York and Philadelphia have heard your unfortunate Intreaties, and sent you annual supplies for some years past, yet it must be confessed there are sundry, especially of the younger sort who have been bred up in this Wilderness, ignorant of the Principles and Practices of their Ancestors, which we can assure them have always evidenced a zealous attachment to the Protestant Succession in the present royal Family, and a spirited opposition to every measure concerted at home or abroad, to shake the present happy Establishment and this on the principles strictly enjoined by the Westminster Confession of Faith and Catechism.

We are sensible the movers of the present Insurrection, have put the cry of King, Loyalty, Allegiance, into the mouths of their unwary Adherants; which doubtless was the snare that caught you and many others, but we earnestly recommend to you to consider, that the opposition is directly levelled against Government and Law; for the Oath is what the Law nowhere prescribes, and that Oath to do unlawful things viz: to call Officers to a Settlement, in a way the Law has not allowed, and lastly that Oath is taken not to pay their Taxes, expressly contrary to the Laws of our Country, and the plain word of God. These things should detach every loyal Subject from them especially as you are assured by the Governor's Proclamation, that Justice will be done on all that have oppressed you on proper complaint, by a due course of Law. Should any object that they are bound by this Oath, we answer, such Persons have involved themselves in guilt by taking such an unlawful Oath, and greater guilt will lie upon them if they keep it, We therefore tenderly sympathizing with such do recommend to them Repentence for taking that Oath, and give it as our opinion that it ought to be broken—We pity, we compassionate the poor, and share with them in all their distresses, but remember Brethren the remedy for Oppression is within the Compass of the Laws of your Country—Let such of you therefore as have been drawn into this unhappy confederacy, return immediately to your Duty and Loyalty, remembering the Divine authority that has enjoined "Let every soul be subject to the Higher powers, for there is no Power but of God; the Powers that be are ordained of God. Whosoever

therefore resisteth the power, resisteth the Ordinance of God, and they that resist shall receive to themselves damnation; Wherefore ye must needs be subject for Conscience sake; For this cause pay your Tribute, also rendering to all their dues; Tribute to whom tribute is due &c. Romans 13th

Submit yourself to every ordinance of Man for the Lord's sake, whether it be to the King as supreme, or unto Governors as those that are sent by him for the Punishment of Evil Doers, and for the Praise of them that do well. And We earnestly recommend to the whole Presbyterian Body, in this Province a Spirit of Loyalty and cheerful Obedience to Law and Government, that you may transmit to your Posterity the reputation you derived from your Ancestors, secure the continuance of your Civil and Religious liberties, and merit the future notice and indulgence of the Legislature; that you may all live soberly, righteously and Godly as the dutiful Servants of Jesus Christ, is the hearty prayer of your ready Servants and Affectionate Pastors

HUGH MCADDON
HENRY PATILLO
JAMES CRESWELL
DAVID CALDWELL.

MAY IT PLEASE YOUR EXCELLENCY,

As it has been my misfortune to be unhappily drawn into this erroneous, weak and silly notion of what is called by some People a regulation which I find to my great grief and sorrow to be nothing less than a confusion, I was chosen amongst some others to go up to Hillsborough on the 23^d of last month on some business relating to the affair, but had not the happiness of seeing your Excellency which happiness I think would have contributed greatly to my satisfaction. But I had the good fortune to see the honorable Colonel Fanning who partly convinced me of my error, by his willingness to satisfy Us of every particular that lay in his power, which was quite contrary of what had been reported of him. And now I am so fully satisfied of that Gentleman's goodness and condescension, and of your Excellency's goodness and clemency by your so kind and just Proposals made to the People for determining the matters that I am determined never to have any further concern in the affair, contrary your Excell^{ty's} Will and Pleasure. Therefore I finding myself in

Duty bound to beg your Excellency's pardon and clemency for my past misconduct and y^r Protection for the remainder of the Time which God in His great goodness has allotted me, so I shall ever pray for your Exc^{ty}'s happiness, and Preservation in this world, & that you may receive a Crown of Glory in the World to come Therefore I remain for the time to come with all submission

Your Excellency's most humble
and obedient servant

GEORGE HENDRY

Bear Creek Orange County August 28th 1768.

Association Oath taken by the Principal Officers of Government and a large Body of Inhabitants in Orange County.

I, A. B., do sincerely promise and swear that I will bear true allegiance to His Majesty King George the Third. — So help me God.

I, A. B., do sincerely and faithfully promise and swear that I will with Heart & Hands, Life and Goods, maintain and defend His Majesty's Government and the Laws and Constitution of the Province of North Carolina, against all persons whatsoever who shall attempt to alter, obstruct or prevent the due administration of the Laws & the Public Peace and Tranquility of the said Province. So help me God.

[B. P. R. O. AM. & W. I. N. C. No. 216.]

Observations on the Thermometer Hillsborough 1768. North Carolina. August.

| DIE MONTHS | HOOR 6 | HOOR 9 | HOOR 12 | HOOR 3 | HOOR 6 | HOOR 9 | HOOR 12 |
|---------------|------------------|------------------|------------------|------------------|------------------|------------------|------------|
| 1 | 70 | 74 | 79 | 81 | 77 | 76 | ----- |
| 2 | 71 | 73 | 80 | 82 | 76 | 73 | ----- |
| 3 | 71 | 73 | 75 | 77 | 73 | 74 $\frac{1}{2}$ | ----- |
| 4 | 71 | 74 | 81 | 83 $\frac{1}{2}$ | 83 | 79 | ----- |
| 5 | 72 | 76 | 83 | 85 | 84 | 77 | ----- |
| 6 | 73 | 80 | 84 | 86 | 80 | 76 | ----- |
| 7 | 73 | 79 | 83 | 85 $\frac{1}{2}$ | 80 | 76 | ----- |
| 8 | 73 | 75 $\frac{1}{2}$ | 81 | 82 | 78 | 76 | ----- |
| 9 | 71 | 73 | 73 | 74 $\frac{1}{2}$ | 74 | 74 | ----- |
| 10 | 68 | 72 | 74 | 76 $\frac{1}{2}$ | 75 | 74 | ----- |
| 11 | 68 | 71 $\frac{1}{2}$ | 74 | 76 | 71 $\frac{1}{2}$ | 64 | ----- |
| 12 | 62 | 70 | 74 | 77 | 72 | 68 | ----- |
| 13 | 65 | 72 | 77 $\frac{1}{2}$ | 79 | 77 | 75 | ----- |
| 14 | 68 | 74 | 78 | 81 | 79 | 76 | ----- |
| 15 | 70 | 77 | 79 | 80 | 77 | 73 | ----- |
| 16 | 68 | 77 | 79 | 82 $\frac{1}{2}$ | 82 | 78 | ----- |
| 17 | 70 | 76 | 80 | 84 | 83 | 78 | ----- |
| 18 | 72 | 76 | 79 $\frac{1}{2}$ | 80 $\frac{1}{2}$ | 76 | 73 | ----- |
| 19 | 69 | 73 | 76 | 78 | 73 | 69 | ----- |
| 20 | 63 | 70 | 76 | 79 | 78 | 72 | ----- |
| 21 | 65 | 71 | 78 | 81 | 79 | 74 | ----- |
| 22 | 66 | 73 | 80 | 83 | 80 | 75 | ----- |
| 23 | 68 | 71 | 75 | 76 | 74 $\frac{1}{2}$ | 71 | ----- |
| 24 | 63 | 69 $\frac{1}{2}$ | 73 | 75 $\frac{1}{2}$ | 73 | 70 | ----- |
| 25 | 62 $\frac{1}{2}$ | 68 $\frac{1}{2}$ | 75 | 79 | 77 | 70 | ----- |
| 26 | 65 | 72 | 78 | 81 | 80 | 74 | ----- |
| 27 | 69 | 74 $\frac{1}{2}$ | 81 | 82 | 79 | 76 | ----- |
| 28 | 71 | 77 | 82 | 84 $\frac{1}{2}$ | 83 | 78 | ----- |
| 29 | 70 | 75 | 80 | 82 | 80 | 76 | ----- |
| 30 | 68 | 75 | 80 | 81 $\frac{1}{2}$ | 81 $\frac{3}{4}$ | 76 | ----- |
| 31 | 70 | 76 | 81 | 85 | 83 $\frac{1}{2}$ | 78 | ----- |

[B. P. R. O. AMERICA AND WEST INDIES. VOL. 216.]

GOVERNOR TRYON'S JOURNAL.

On the 20th of June Messrs Hunter and Howell laid before the Governor in Council an Address with several Papers from the Inhabitants of Orange County who stiled themselves regulators. The Governor's Letter of the 21st June from the Council Chamber at Brunswick is declarative of the sense of that Board: This Letter was delivered to James Hunter the same day.

On the 6th July the Governor arrived at Hillsborough and waited in daily expectation of hearing that the above letter had hushed the clamor of Faction as it pointed out the truest and most effectual measures to redress every grievance of which the Insurgents complained. However the Governor hearing that unlawful Assemblies of men were still frequently held in the Neighbourhood of Hillsborough and that his letter was disregarded, he on the 1st of August sent the late Sheriff of Orange to a meeting of the Insurgents who assembled at one George Sally's recommending to them by letter No. -- to pay their Taxes.

On the 3rd of August the late Sheriff returned and reported to the Governor that the People (assembled to the number of near four hundred) unanimously refused to pay any Taxes and generally declared they would kill any man who should dare to distrain for their Levies as appears by the Depositions of Tyree Harris and Ransom Southerland.

On the 5th of August Messrs John Low and James Hunter waited on the Governor at Hillsborough with a letter which they delivered to the Governor *Vide* Letter No. 17. The Governor told the Messengers that he would send an answer to the Letter they then delivered to him on Wednesday the 17th August before which time he hoped to be able to consult His Majesty's Council on the Occasion.

On the 10th of August intelligence was brought to the Governor that upwards of five hundred men were assembled at Peed's in the evening of the 9th of August and that more men were continually coming in to join this Body: That their intention seemed to be to come into Hillsborough the 12th instant and if the requisitions they should make to the Governor, were not complied with, they would

then burn the Town, and take satisfaction their own way. The Governor then sent out several men to watch the motions of these Insurgents that he might be better informed if the above report was founded in reason. On the 11th of August at eleven at night an express came into Hillsborough, and informed the Governor that the Insurgents had advanced upwards of twenty miles nearer the Town, and had all rendezvoused at Simon Dixons within twenty miles of the Town, with a firm resolution of coming into Town the next day and to do mischief, and as a Testimony of such intentions, they gave notice to some families immediately to carry their wives and children out of Town. Upon this Confirmation of such wicked designs the Governor directed Colonel Fanning to provide expresses to send to as many Captains as he thought would be able to furnish any men the next day, for the preservation of the Town, and its Inhabitants. The Governor then sent written Orders to eight Captains of Companies to march in as many men as they possibly could the 12th instant. About evening of the 12th inst: Colonel Fanning mustered upwards of two hundred and fifty men about which time eight of the principal Insurgents came into Town to speak to the Governor; after they were introduced they told him they wished to have Peace settled in the County again, and if they could be satisfied all would be well—The Governor told them he had done his endeavors to satisfy them, as far as the Laws of the Country and his Duty to the King would permit him, and that he had pointed out to them the legal and most effectual measures to redress the Grievances of which they complained—They replied they wanted to have a settlement their own way, by the Register, Clerk of the County and Vestry, meeting a Committee of their Appointment for the stating all the County and Public Taxes—Such a conduct the Governor assured them was illegal, & would be attended with manifest inconvenience. That the Law was the only Channel to take cognizance of abuse in Office, and that if the Penalties were not found adequate to the nature of the Transgression, the governor would give his aid to make the Laws more penal, but that he would never remain a calm spectator to see the Constitution of His Majesty's Government violated, and the Laws of his Country disobeyed—The Governor further told them that he had no objection to their seeing or obtaining Copies of the receipts or disbursements of the Church Wardens, or any information from the Public Officers of the County, or any other reasonable satisfaction, as it was a maxim of his Administration that there should be

no secrets in any of the Public Offices of the Government. They then seemed better satisfied tho' they had not given the least satisfaction to the Governor. They protested they had a great Difficulty, & for which they laboured very hard to persuade their men (as they called them) to go to their respective abodes before they had reeked their malice on the Town and Inhabitants of Hillsborough or words to that effect, after some other occasional discourse they withdrew.

On Saturday the 13th August the Governor held a Council on the present exigency of affairs, *Vide* Minutes and Journals, and the letter bearing date the 13th of August sent by the advice of the Council to the Inhabitants on the South side of Haw river. This Letter was delivered to M^r Lea Sheriff of Orange the 16th instant with Orders to deliver it as directed on the 17th at George Sally's where the people were to assemble *by the Governor's appointment*.

On the 17th of August the Governor left Hillsborough in Company with Colonel Palmer and on the 18th in the evening was met near the Town of Salisbury by a great many gentlemen who welcomed his arrival with expressions of great satisfaction.

Fryday 19th gave Orders for Provisions and drink for the men of the Rowan Regiment on the 26th (the day of the Review) in the evening left Salisbury and halted at Major Fifer's in Mecklenburg County.

Saturday the 20th halted.

Sunday the 21st the Governor attended divine Service when M^r Luther (a swiss) tho' a dutch minister recommended with warmth a due obedience to the Laws of the Country, and a union of heart to support the Peace and Tranquility of the Province — In the evening information was brought to M^r Fifer that two men from Orange County was in his neighborhood spreading through the Inhabitants the sedition that prevailed in the South part of Orange County. This day ordered Colonel Alexander and Major Fifer to provide Provisions and drink for the men at the review of the Mecklenburg regiment of militia.

Monday 22nd the Governor left Major Fifer's and lay at Captain Polks.

Tuesday 23rd reviewed the regiment about 900 men — Some objections being started by the enemies of their Country, against taking an Association Oath, and night coming on, as the regiment did not assemble till the afternoon, the Governor was prevented from ascertaining what men would go as Volunteers, he therefore ordered all

the Captains to wait on him at Major Fifer's on Saturday the 27th with their respective lists of volunteers, for which intent, he directed them to have private musters before that day. The Governor then returned to Captain Polks.

Wednesday the 24th the Governor left Captain Polks and took up his quarters at Major Fifers.

Thursday the 25th the Governor returned to Salisbury when Lieutenant Colonel Frohock delivered him a letter from those who stile themselves Regulators bearing date the 19th of August. The Governor directed M^r Montgomery to provide dinner for the Field Officers, Captains and Gentlemen attending the review. Colonel Osborn waited on the Governor to receive his Orders in the conducting the Review.

Fryday 26th August. Eleven companies of the Rowan regiment marched into Town before 12 o'clock when the Governor ordered all the Captains and Field Officers to repair to M^r Montgomery's where he communicated to them the transactions that had passed between him and the Insurgents, at the same time that he read the several correspondence between them, except the Insurgents first address to the Governor and the Papers that accompanied them, which the time would not permit him to do. However the Governor explained the full extent and purport of them. The Governor also laid before these gentlemen the great necessity of a strict union of every honest man and well wisher of his Country at a juncture when the calamities of a civil war were impending. Colonel Osborn then spoke warmly in support of Government and the Liberties and Properties of the Inhabitants, which he said was in great Danger if these Insurgents should be able to overturn Hillsborough Superior Court. He then read a letter from four dissenting ministers directed to their Brethren the Presbyterians, wherein the wicked conduct and practises of the Insurgents were sensibly touched upon, the support of Government earnestly recommended and enforced — *vide* letter.

The Officers then desired to have a Conference among themselves and retired to a private room. In less than an hour they waited on the Governor again, when Colonel Osborn in the name of the whole returned the Governor their hearty thanks for the trouble he had taken to preserve the Peace of this Province, and told him it was at the request of those gentlemen that he assured the Governor they would unanimously assist him in the cause in hand with their utmost efforts. The Governor then marched into the field to review

the regiment; as he passed along the front of the regiment, he spoke to every Company explaining to them the danger this country was in from the rash, obstinate & violent Proceedings of the insurgents, and that if every honest man and man of property would not with fortitude stand up in support of their liberties and Properties, this Province would inevitably fall into a civil war. That he should have occasion for a body of men to preserve the Peace at the next Superiour Court of Hillsborough, which was threatened to be attempted under solemn Oath by the Insurgents — That for this service he should draft no men, but receive those only who turned out Volunteers That after the Battalion had fired and a Discharge of the Artillery The Governor should order all those who were willing to serve His Majesty King George and protect the Liberties of the Country to move out of their ranks and join His Majesty's union colours in the front of the regiment, accordingly as soon as the regiment had gone through their Fire by companies and the discharge of three pieces of artillery the Governor invited all His Majesty's Subjects, friends to the Liberties & Properties of their Country, to join the King's colours and immediately quitted his horse, took the King's colours in his hand, inviting the Volunteers to turn out to them. The first Company that joined the union Colours was Captain Dobbins', upon which the Governor took Captain Dobbins' Colours (each Company having a pair of Colours) and delivered the King's Colours into the hands of the ensign of that Company; congratulating Capt: Dobbins (who had been in service) on the honour he had obtained and merited. Other Companies immediately followed the first and in a few moments there was but one Company in the Field that declined turning out the Captain of which however honorably quitted his Company and joined the Kings Colours. Each Company as it joined the Colours was saluted with three huzzas and the whole with a discharge of the Swivel guns after which the men joined again in a battalion grounded their arms, went to the right about, and marched to refresh themselves with the Provisions His Excellency had provided for them. They were ordered to stand to their arms, when each man in the ranks had a drink of either Beer or Tody, to His Majesty's health and prosperity to North Carolina — It is to be observed that one Company (Captain Knoxes) did not turn out to join His Majesty's Colours as Volunteers but remained in their ranks and afterwards without partaking of the refreshments provided, marched out of the Field carrying that

shame and disgrace with them, and the just contempt of the Regiment, which their conduct apparently incurred. The Battalion was then dismissed, and the Field Officers, Captains and Gentlemen waited on the Governor to dinner, where the health of His Majesty and the Royal Family, Prosperity to the Province and success to the Rowan and Mecklenburg Volunteers were drank. Before the Company broke up, the Governor acquainted Colonel Osborn in the presence of Captain Dobbins, and the rest of the Officers that he presented His Majesty's Colours to the Rowan Regiment of Militia, as an honorable Testimony of the loyalty of that Regiment and of the spirit they testified in turning out as Volunteers in the service of their King and Country and that in consideration of Captain Dobbins and his Company first joining the Union Colours, His Excellency desired and requested that Captain Dobbins Company might always carry and bring out of the Field the King's Colours and that the Ensign of the said Company should always carry those Colours whenever brought into the field. This mark of honorable distinction was gratefully received by the whole Company, particularly by Capt: Dobbins — The evening closed with great mirth and Harmony — This evening M^r Young and another gentleman, waited on the Governor from Captain Knoxe's Company, and in the name of the whole Company informed him they wished he might not take any umbrage by reason that Captain Knoxe's Company did not turn out as Volunteers, that it arose not from disaffection to His Majesty's Government, or want of affection for the Liberties of their Country, but merely from a misunderstanding, as they believed of what the Governor had declared to them at the head of the Regiment, that they really understood that he said, that all who did not turn out as Volunteers should be considered as Regulators; that many of them being unable from various accounts and circumstances to march to Hillsborough; they esteemed it would have been dishonorable to have offered themselves as Volunteers, and afterwards declined going, and that upon that account they judged it most expedient to remain in their ranks. The Governor assured them their conduct had made a deep impression on his mind, as he considered the appearance of their conduct, carried the strongest marks of Disaffection both to their King and Country: That however in consideration of their apology he was willing to receive it, as a satisfaction, provided they produced a good list of Volunteers out of their Company, at the times the Captains of the Regiment

were to return to His Excellency the returns of their Volunteers and that if their future Conduct and Actions demonstrated Principles different from the appearances of that Day — They then in Company with Lieutenant Colonel Frohock quitted His Excellency seemingly greatly satisfied.

Saturday the 27th — The Governor ordered M^r Montgomery to provide Flower and Beeves to accompany the Rowan Volunteers to Hillsborough and to furnish waggons, ammunition &c The Governor also appointed the Captains of the Rowan Regiment to meet him at Salisbury the 3rd of September with their respective lists of Volunteers. In the evening he set out for Martin Fifers where he met the Colonel and Captains of the Mecklenburg Regiment who produced their respective lists of Volunteers, amounting to upwards of three hundred men, which number the Captains had reason to believe would be greatly increased before the day of March. The Governor desired the Colonel and Captains would meet him again on Fryday the second of September at Lieutenant Colonel Moses Alexanders.

Sunday and Monday the 28th and 29th The Governor halted at Major Fifer's.

Tuesday 30th The Governor accompanied by Colonel Palmer and M^r Fifer went to see where the Commissioners left off the Line that they run in 1746 between His Majesty and Earl Granville's District and found four Trees standing in a square Form marked with Notches and Blases, and on one of them the Letters G. R. These Trees were about five or six hundred yards to the Eastward of Cold Water Creek, and terminates upon the old Western Indian Path, upon the Eastern Bank of Cold Water, on a large (Gum it is thought to be) Tree the Letters W. C. (for William Churton) 1756 is marked. This Tree stands in the same direction with those Trees above described at five or six hundred yards distance from them.

Wednesday 31st. The Governor waited on Cap^t Barringer, a beautiful Plantation and skilfully managed particularly the meadow Land which produced *excellent hay*.

Thursday September 1st. Governor waited on Colonel Harris where he was hospitably entertained, this Plantation affords the most cheerful and extensive view at present in the County of Mecklenburg. In the evening the Governor went to Colonel Moses Alexanders.

Fryday 2nd September. Colonel Moses Alexander entered into bond to furnish Provisions and Waggons for the Mecklenburg Volunteers — The Governor sent a letter to Colonel Harris directing the Number of men and the time of March for the Mecklenburg Volunteers. The Captains of the said Regiment dined with the Governor this day, where every necessary instruction was given to them for the assembling and marching of their men from Major Fifer's the 12th instant. The Governor also informed Colonel Alexander what waggons and Provisions would be wanted to march with this Detachment. Two Waggons the Governor ordered from Major Fifer and Captain Polk to carry Liquors, This evening the Governor returned to Major Fifers.

Saturday 3rd September. The Governor gave Orders for 350 Haversacks to be made for the Volunteer Blues and as many blue Cockades. Set out about nine o'clock for Salisbury where he dined in Company with the Lieutenant Colonel and several Captains of the Rowan Regiment of Militia — To whom he gave similar Orders & Instructions to those he gave to the Mecklenburg Regiment, excepting that the March of the Rowan detachment, was fixed for Tuesday the 13th inst.

Sunday 4th September, 1768. Halted at Salisbury.

Monday 5th September. Remained at Salisbury. This evening M^r Henderson, Associate Judge, informed the Governor that the whole Body of Militia of Granville County was ready to march in support of Government. This day the Gov^r received a letter from M^r Hendrie, one of the Leaders of the Insurgents acknowledging the error of his Proceedings and requesting forgiveness for his conduct in the Disturbances. This Day Col^o Osborn received his Orders for the march of the Rowan Detachment of Militia on the 13th instant.

Tuesday 6th September. The Governor remained, not well, at Salisbury.

Wednesday 7th September. The Governor set out for M^r Fifers where he halted the 8th 9th 10th and 11th.

Monday 12th. The Governor after viewing the Mecklenburg Battalion on their march proceeded to Salisbury.

Tuesday 13th. The Mecklenburg Battalion at 11 o'clock in the morning marched through Salisbury in two Ranks by files in great order, with two pieces of Artillery in front, and the train of nine waggons in the rear. At three in the afternoon the Rowan Battalion

marched out of Town in the same Order as the Mecklenburg with seven waggons, both Battalions encamped on the banks of the Yadkin seven miles from Salisbury.

Wednesday 14th September. The Brigade marched about twelve miles and encamped at Frohock Camp.

Thursday 15th. Marched to Union Camp about 20 miles. On this day's march four of the Insurgents put a letter into the Governor's hand No. -- requiring him to turn back the Cattle that was driving for the use of the Troops. The Governor assured them he should take care to strengthen the guard on the Cattle, and that if any number of men dared to interrupt their March they should do it at their Peril.

Friday 16th September. Marched to Deep River Camp about 21 miles.

Saturday 17th. Marched to Alamance Camp, here the Governor was taken ill.

Sunday 18th. Marched 20 miles to Capt: Holt's and encamped.

Monday 19th. Crossed Haw River and marched the Brigade twenty two miles into Hillsborough, without the least interruption, tho' the last three days march they went through the heart of the Settlement of the Insurgents — This Day took up two Insurgents Prisoners and confined them in Gaol.

Tuesday 20th. The Brigade employed in building huts, having no Tents.

Wednesday 21st. The Battalion from the Orange and Granville Militia marched into Town in good order and the whole Army encamped this evening near the Town.

Thursday 22^d. A body of upwards of eight hundred Insurgents formed from the Counties of Anson, Rowan and Orange came at daybreak within less than a mile of the town and sent a letter to the Governor N^o -- to which the Governor sent the conditions he expected they would comply with N^o -- Upon the receipt of which they were much divided in their Counsels and desired till next morning to give in their answer which was granted.

Fryday 23^d. The Insurgents not agreeing better in their opinions than on the preceding evening the greatest Body dispersed to their respective homes. Near thirty came and delivered up their Arms to the Troops, after which they never again appeared in any number.

Saturday the 24th. The Governor was obliged by the increase of his illness to give the Command of the Army to Lieutenant General Rutherford, after which no messages was brought to him.

The Union Brigade remained in this Camp till the Superior Court ended and marched from Hillsborough the second of October in their route to Salisbury.

Orders of His Excellency for the Troops under Orders to march to Hillsborough.

Salisbury 13th September 1768. Parole King George.

The Detachments from Rowan and Mecklenburg regiments of Militia to form two Battalions and when joined to form one Brigade. Colonel Osborn to command the Rowan Battalion which will take the right of the Line—Colonel Harris to command the Mecklenburg Battalion and to take the left of the line.

The two Battalions to rendezvous and encamp together to morrow about ten miles to the eastward of the Yadkin river.

When the Troops are joined in Brigade the Battalions to keep a distance between each other to make room for the King's Colours which will be carried every day of march alternately by an ensign of the two Battalions & escorted by a Sergeant and termen. All the Artillery to march behind the Kings Colours & under an escort of the same number of men. The Battalion that furnishes the Ensign for the King's Colours will furnish the said Escorts.

A Captain and fifty men with Officers in proportion to mount guard with the King's Colours at His Excellencys Quarters every day on their arrival in camp and remain there until the Brigade marches again. As this is a guard of Honor to begin with the Rowan Battalion.

The Baggage Waggon of the whole will march in the rear of the Brigade, and encamp in the rear, or near the center of the Brigade as the ground will permit. The Artillery to encamp as near as possible in the center of the Front of the Brigade.

A Sergeant and twelve men always to march at the head of the column as an advance Guard and an Officer and twenty men to be dispersed on the Flanks of each Battalion to prevent surprise on the march.

The Captain and fifty men that are on guard at His Excellency's quarters the day the Troops march will march on the Flanks and rear of the Baggage as the Baggage guard.

A Sergeant and twelve men to march on the Cattle that are drove for the use of the Brigade.

The Officers to march constantly with their men, the Captains at their head, the Lieutenants in the rear and the ensigns on the flanks of their respective Companies.

The Colours of the Companies to be always in the center of the Companies.

His Excellency appoints the following Staff Officers for the forces, viz.

The hon^{ble} Robert Palmer Adjutant General and to rank as Colonel.

Robert Howe Esq^r Major of Brigade and to rank as Colonel.

Captain Collett and M^r Edwards Aid De Camps to His Excellency.

Anthony Newman Surgeon General to the Forces & Dominicus Hawk Surgeon to the Mecklenburg Battalion.

M^r Montgomery Commissary to the Provisions and ammunition for the Rowan Battalion, and Lieutenant Colonel Moses Alexander Commissary for the Mecklenburg Battalion — The Commissaries to furnish the Troops with one ration of Provisions per day, each ration one pound of flour and one pound and a half of fresh meat.

The Commissaries will also furnish the men of their respective Battalions with one pound of lead and half a pound of powder as soon as they arrive in Camp to morrow.

Maurice Moore Esq^r is appointed Colonel Commandant (with the rank of Colonel) of a Troop of Gentlemen Volunteer Light Dragoons. This Troop to encamp on the right of the Brigade and to lead the column on the march.

The above Orders to be read at the head of each Company as soon as received.

Frohock Camp, Wednesday 14th Sept^r 1768.

Parole — Rowan.

One days Provisions to be delivered to the Troops immediately —

The General to beat tomorrow morning at 4 o'clock, the Assembly at six and the Troops to march off immediately after — The Mecklenburg Battalion to lead the column.

Union Camp, Thursday 15th Sept^r 1768.

Parole — Mecklenburg.

The Commissaries to deliver one days Provision to the Troops — The Commissary for the Mecklenburg Battalion will furnish His

Excellency, Staff Officers and Servants with Provisions, taking M^r Edwards' receipt for the rations as delivered. The Commissary for the Rowan Battalion to furnish Colonel Moore's Troop of Light Dragoons and Servants with Provisions, taking M^r Clark's receipt for the rations delivered, which Gentleman Colonel Moore has appointed his Aid de Camp.

Lewis Coffer is appointed Quarter Master to the Rowan Battalion and William Bedford Quarter Master to the Mecklenburg Battalion, Barnaby Gwin Sergeant Major to the Rowan Battalion & John Wilson Sergeant Major to the Mecklenburg Battalion.

At Gun firing this evening the retreat will be beat by the Drummers who will assemble in the center of the Brigade a quarter of an hour before sun set.

The General to beat at 4 o'clock the Assembly at six when the Troops are to be in readiness to march.

Deep River Camp, Fryday 16th Sept: 1768.

Parole — Hillsborough.

The Guard upon His Excellency's Quarters and camp guards to be furnished by the Mecklenburg Battalion and to mount as usual.

The Captain of each Company to inspect the Arms and Ammunition of the men and to see that the lead that was delivered to them is run into bullets of a proper size for their rifles. As this is an essential duty the Governor recommends it to them to observe it with great punctuality, and make report to-morrow morning of the condition of the Arms and Ammunition to the commanding Officers of their respective regiments who will make report of the same to His Excellency to-morrow morning before the Troops march. One days provisions to be delivered to the Troops as soon as they arrive in camp.

The Troops to march to-morrow morning, the General to beat at 4 o'clock the Assembly at six and the Troops to march off immediately after.

Alamance Camp, Saturday 17th Sept^r 1768.

Parole — Orange

The Captains to return a list of the names of the Officers and men of their respective Companies tomorrow morning to the commanding Officers of the Battalions who will return a complete list thereof to His Excellency on Monday morning next.

One days Provisions to be delivered to the Troops immediately — The Troops to march to morrow morning, the General to beat at 4 o'clock the Assembly at six and the Forces to march off immediately after.

Holt Camp, Sunday 18th Sept^r 1768.

Parole — Salisbury.

If any suspected Persons be found lurking in or about the Camp they are to be taken up and carried before the commanding Officer of the Brigade to be examined and if found to be disturbers of the Public Peace to be detained until report is made thereof to the Governor.

If any soldier shall detect any man stealing a horse belonging to the Camp he shall receive ten dollars reward, and if any soldier shall detect any Person attempting to drive off a horse or horses belonging to the Camp he shall receive three Dollars reward on the Persons being convicted by the sentence of a Court Martial, he being subject to martial Law as a follower of the Camp.

Headquarters — Captain Holts.

A Lieutenant Ensign and twenty men with the Kings Colours will mount guard at Headquarters this evening as soon as retreat is beat.

One days Provisions to be delivered to the Troops immediately — The General to beat to morrow morning at 4 o'clock the Assembly at five and the Troops to march off immediately after. These Orders to be read by an Officer at the Head of each Company as soon as retreat is beat, when the men will assemble without arms behind the Colours of the respective Companies.

Enoe Camp. Monday 19th Sept^r 1768.

Parole — Cape Fear.

The Troops to be held in readiness to march to morrow morning and to wait for Orders. One days Provisions to be delivered to the Troops immediately.

The Prisoners to be strictly guarded.

Hillsborough Camp, Tuesday 20th Sept^r 1768.

Parole — Wilmington.

The hon^{ble} John Rutherford, Lewis Henry De Rossett, John Sampson, Robert Palmer, Benjamin Heron, and Samuel Strudwick

Esquires are appointed Lieutenants General and John Ashe Esq. Major General to the Army. One days Provisions to be delivered out to the men.

Two Captains, two Lieutenants, two Ensigns and one hundred men with non commissioned Officers in proportion to march into Town this evening as a Town Guard. The Court House and Market House to be the guard rooms. The Major of the Brigade to post the centries in & around the Town as it is found necessary. A Cannon to be kept loaded both in Town and in Camp & to be fired in case of an alarm, The firing of either of which guns will be a signal for the Troops immediately to get under arms and wait for Orders.

Hillsborough Camp, Wednesday 21st September 1768.

Parole — Brunswick

One days Provisions to be delivered out to the men.

No Person to come into Town with Arms without leave of the commanding Officer.

The List of the names of the Officers and men of the Rowan, Mecklenburg, Orange & Granville Battalions and train of Artillery to be delivered in immediately by the several Colonels to His Excellency. As soon as the lists of men are delivered in they are to be paraded and mustered every morning and evening. No Provisions in quantities to be suffered to be sent out of Town. Centries to be placed to prevent the soldiers going into Tipling Houses.

Hillsborough Camp, Thursday 22nd September 1768.

Parole — Bath.

The Detachments from Orange and Granville Regiments of Militia to form each a Battalion and to join and form one Brigade. Col^o Fanning to command the Orange Battalion which will take the right and Colonel Harris to command the Granville Battalion which will take the left of the Brigade. The two Brigades to form one Line; The Orange and Granville Brigade to take the right and the Rowan & Mecklenburg Brigade to take the left of the Line.

Officers appointed by His Excellency, Colonel Tho^s Lloyd to the rank of Major General in the Army. James Moore Esq^r is appointed to command (with the rank of Colonel) all the Artillery & Artillery Company of Volunteers. Robert Schaw Esq^r to be Lieutenant

Colonel to the said Artillery. Samuel Swann jun^r Esq^r Captain and
---- and ---- first and second Lieutenants to the Corps of Artillery.

The Distribution of the General Officers in the Line. Lieutenants General The hon^{ble} John Rutherford, John Sampson and Benjamin Heron Esq^{re} and Tho^s Lloyd Esq^r Major General, to take post at the head of the right wing or Orange Brigade. Lieutenants General The hon^{ble} Lewis Henry DeRossett and Samuel Strudwick Esquires and Major General John Ashe to take post at the head of the left wing or Union Brigade. Lieutenant General Rutherford to command the right wing and Lieutenant General DeRossett the left wing of the Line.

A Council of War to be held at 4 o'clock to which all General and Field Officers who are in Town or Camp are to be immediately summoned to attend at the head quarters. All Members of Assembly in Town or Camp are desired to give their attendance at the Council of War. [See proceedings, page 840. — EDITOR.] Provisions to be delivered as usual till further Orders.

Alexander Lillington Esq^{re} is appointed Colonel Commandant (with the rank of Colonel) of a Company of Light Infantry. Abner Nash Esq^{re} is appointed Major of Brigade (with the rank of Colonel) of the Orange Brigade.

Hillsborough Camp, Fryday 23rd September 1768.

Parole — Edenton

Dispositions for the security of the Town and Camp. A Captain and fifty men to mount guard at the Market House and to be relieved every morning at 8 o'clock by the same number. This Post to furnish all the necessary centries in the Town especially at the Avenues of the Streets and at the Prison, also to send Patroles of a Sergeant and four men every hour through the night to observe if the Centries belonging to the guard are alert, and to visit the Taverns and turn out all soldiers that are drinking there after retreat beating, and send them to their camp or quarters.

Any persons creating any disturbances in the streets are to be taken up and carried to the Guard room. An Officer and twenty men to take post at Fort Collet and an Ensign and fifteen men to take post in Mr Nash's Mill. A Captain & thirty men to be posted on the road at the West end of the Town and to furnish six Centries on their Front and Flanks. A Lieutenant and twenty men to be posted on the road at the east end of the Town. The Officers on

each Post to make two rounds in the night between evening and morning. In case of alarm each guard to be immediately under arms and if attacked to send word to the Adjutant General at Head Quarters and defend themselves the best they can till they receive succour.

On the firing of the alarm gun the Troops to get immediately under arms and if time will permit before they receive orders to march, each Captain to inspect if the arms of His Company are loaded and if their men have got powder and bullets enough for twelve rounds at least. If any deficiency of ammunition they will send for a supply from Colonel Moore, Commandant of the Artillery.

His Excellency takes this opportunity of thanking the Officers and men of the Army for the alertness and spirit with which they turned out last night on the firing of the alarm gun and recommends that the profoundest silence should be observed by the men on any future like occasion, and is sorry his indisposition prevents his thanking them in person.

Alarm Posts for the Army.

The Troops in Camp to form in the Front of their Brigades.

Colonel Moore's Light Dragoons and Colonel Lillingtons Light Infantry, in King's Street Opposite Headquarters.

Colonel James Moore's Company and Artillery at the Market House.

The Town Company in Church Street near the Court House.

In case of an alarm an Officer from each Corps in the Regiment to repair to Headquarters for Orders and the troops when they move to march without beat of drum.

Hillsborough Camp, Saturday 24th Sept^r 1768.

Parole — Newbern.

His Excellency appoints Lieutenant General John Rutherford to the command of the Army until his health will permit him to appear abroad.

Lieutenant General Rutherfords Orders

It is ordered that M^r Suter preach to morrow to the Rowan and Mecklenburg Battalions, & desired that the Reverend M^r Micklejohn preach to the Orange and Granville Battalions—Service to begin at 11 o'clock.

The disposition of the Troops the same as last night and the same general Orders to be observed. * One Days Provisions to be delivered to the men.

Hillsborough Camp, Sunday 25th Sept^r 1768.

Parole — Halifax.

It is ordered that the Reverend M^r Micklejohn and M^r Pattilo have thanks for the sermons preached to the Troops.

Ordered that a regular succession of Patroles go round the whole line of Centinels every half hour. A Sergeant and six men to visit all the Public Houses and order all soldiers to their quarters, and forbid the sale of liquors that the decency may be observed the day demands. The Adjutant of each Corps to attend the Adjutant General by three o'clock in the afternoon to receive the orders of the day. The Officers of the main guard to report to the commanding Officer the number of his Prisoners, their offences and what time they have been in confinement.

Hillsborough Camp, Monday 26th Sept^r 1768.

Parole — Granville.

The same disposition of the Troops as yesterday. One days Provisions to be delivered to the men immediately.

It is ordered that the Commissaries by 12 o'clock deliver to the Adjutant General an account of the expence of the Provisions since the commencement of the service to that time, and also the quantity of flower, bisket and beef now remaining.

Ordered that the Army Parade tomorrow in the Fields at the west end of the town on the firing of the morning gun, the main guard excepted. Any person who occasions a false alarm by wantonly firing his piece shall be severely punished.

Hillsborough Camp, Tuesday 27th Sept^r 1768.

Parole — Tryon.

The same dispositions of the Troops as before. One days Provisions to be delivered immediately.

It is ordered that the Troops parade tomorrow immediately after firing the morning gun, in the main street. Ordered that the several Adjutants attend the Adjutant General every afternoon at 4 o'clock to receive Orders.

Hillsborough Camp, Wednesday 28th Sept^r 1768.

Parole — Wake.

It is ordered the Rowan and Mecklenburg Brigade do the duty of the main guard and the Orange regiment the Artillery Guard, also that they furnish Centinels as the preceding night.

His Excellency sent Orders to direct the discharge of the Battalion from the Granville regiment of Militia and also one half of the Battalion from the Orange regiment and desired his thanks to be given to the whole Army for the steady, spirited and very attentive manner they have performed duty since on this service.

It is ordered that returns be immediately made to the Adjutant General from the Orange and Granville regiments before, and after, the discharges above mentioned are made.

The Officers and Soldiers of the Rowan and Mecklenburg Brigade wrote to the Adjutant General and Major of Brigade desiring them in their behalf to wait on His Excellency and in the most dutiful and respectful Terms to express their happiness and entire satisfaction in having received this day His Excellency's thanks for their behaviour since they have been employed on this service, adding their most ardent wishes for His Excellency's speedy recovery.

One Days Provisions to be delivered to the Troops.

Hillsborough Camp, Thursday 29th Sept^r 1768.

Parole — Marchmont.

One days Provisions to be delivered to the Troops immediately.

His Excellency desires to return His thanks to the Rowan and Mecklenburg Brigade for their kind wishes for the establishment of his health, and the Lieutenant General has the happiness to inform the Officers and Soldiers of His Excellency being something better in his health and that there is great reason to hope for his recovery, tho' reduced extremely low by the severity of his Disorder.

Hillsborough Camp, Fryday 30th Sept^r 1768.

Parole — Grafton.

One Days Provisions to be delivered to the Troops immediately.

It is ordered that the Rowan and Mecklenburg Brigade be supplied with half a pound of powder and one pound of lead to each man from the Artillery Stores and Magazine.

His Excellency sent orders to discharge the remaining part of the Orange Battalion this day.

Ordered that the Rowan and Mecklenburg Brigade do the duty of the Artillery Guard.

It is ordered by His Excellency that the Union Brigade hold themselves in readiness to march by 12 o'clock to morrow if required.

Hillsborough Camp, Saturday 1st October 1768.

Parole — Stanhope.

One days Provisions to be delivered to the men immediately.

The Union Brigade to parade in the main street to be reviewed by his Excellency at 12 o'clock.

Hillsborough Camp, Sunday 2^d 1768.

Parole — Villiers.

One days Provisions to be delivered to the men immediately.

The Union Brigade to march to morrow morning under the Command of Colonel Osborn towards Salisbury in the same Order they marched to Hillsborough.

The General to beat at six o'clock the Assembly at eight and the Troops to march off immediately after. The Brigade will take back but three of the swivel guns.

His Excellency returns both the Officers and men of the Army his grateful and unfeigned thanks for the patient and persevering conduct with which they have supported Government, Their own honor and the credit of his administration, as by their spirited behaviour, they have greatly contributed to the dispersing of the riotters, and in bringing them to a submission to Government and a sense of their Error. These measures being happily effected, it is his Excellency's pleasure that Colonel Osborn carry a Proclamation of Pardon, with a few exceptions, for the Insurgents, which Col^o Osborn will read at the head of the Brigade at Salisbury, and afterwards affix it up at the Court House door.

The Troops may rest assured that His Excellency will take the first opportunity of moving the Assembly for the immediate payment of the money due to them for their service, therefore directs the commanding Officers of each Corps to make out fair estimates of their time of service agreeable to that allowed to the officers and men on the Cherokee Expedition, to be delivered to the Adjutant

General at Newbern the third day of November, in order that His Excellency may lay them before the General Assembly.

The Commissaries of the Army also, and all others having any claim on the Public for services on this Expedition, are directed to make out their Accounts to be delivered at the same time to the Adjutant General.

The Waggon to keep close up with the Brigade, and such as are empty to serve as hospital Waggon to assist the sick.

[FROM THE COURT RECORDS OF ROWAN COUNTY.]

NORTH CAROLINA.

Salisbury, to Wit,

At a Superior Court of Justices held for the district of Salisbury at the Court House in Salisbury on Monday the fifth day of September in the Eighth Year of our reign Anno Domini 1768.

Present

The Hon. Martin Howard Esq, His Majesty's Chief Justice of the province aforesaid,

Court adjourned till tomorrow at 10 o'clock,

Met according to adjournment.

Present

The Hon Martin Howard Esq.

The Hon Rich^d Henderson Esq.

William Hooper Esq produced an appointment from under the hand and seal of Thomas McGuire Esq, his Majesty's Cap^t General of this province, thereby appointing and nominating him the said William Hooper attorney in behalf of his Majesty, in the district of Salisbury, the 22nd day of March 1768.

* * * * *

Court adjourned till four o'clock P. M.

Met according to adjournment,

Present

| | |
|---------------------------------|-------------|
| The Hon. Martin Howard | } Esquires. |
| " " Maurice Moore | |
| " " Rich ^d Henderson | |

[B. P. R. O. AM: & W. IND. VOL. 272.]

Letter from Superintendent Stuart to Earl Hillsborough

CHARLES TOWN 15th September 1768.

I have the honour of laying before your Lordship the Arrangements which I humbly conceive to be necessary for conducting the business of the Department, which His Majesty has been graciously pleased to commit to my care viz:

That two Deputies be constantly employed, one of whom to reside in West Florida to manage the affairs of the Choctaws and Chickasaws, and the small Nations on the Mississippi; the other to assist the Superintendent in transacting Business with the Cherokees, Creeks and Catawbas.

That these Deputys shall be ready upon all occasions, to go upon any extraordinary duty, when ordered; and that the ordinary duties of their Office shall be to visit the Indian Nations, and report upon situations, with regard to each other, and their dispositions to us; to learn their designs and hear their complaints and grievances, as well as to demand satisfaction and obtain redress for insults and irregularities committed by the Indians.

That an intelligent Person be retained in each Nation who shall understand the language of such Nation, so as to serve occasionally as an Interpreter to deliver messages sent to, and receive messages from the Indians; that such Person shall not be hindered to trade and shall have a small annual salary, and be allowed extraordinary pay when ordered to attend any great Meeting when attending the Deputys, or sent upon any extraordinary Duty.

An Interpreter of the Choctaws & Chickasaws Language to be established at Mobile, at a certain allowance, who shall act under direction of the Deputy there and attend him upon all occasions.

I shall accordingly retain such Officers to be paid out of the sum provided by estimate till His Majesty's pleasure can be known.

I also humbly submit to your Lordship if it may not be necessary for His Majesty's service, that the Traders be instructed by the respective Governors to attend the Superintendency when summoned to any general Meeting of, or Interview with the Indians of the particular Nation in which they trade.

That as there are now no Posts garrisoned with His Majesty's Forces in the Indian Countries, or on the Frontiers of any Province

within this District, an escort or Guard of the Militia of such Province where the Superintendent shall happen to be, may be ordered to attend any Congress or Meeting with Indians, to be held therein, for any of the purposes enumerated in the Report of the Lords Commissioners of Trade.

That upon complaint from any Indian Nation to the Superintendent of Encroachments on their Lands, Irregularities or Abuses committed by the back Inhabitants, or by the Traders the Superintendent may be instructed, to whom he is to represent such Complaint, in order to obtain redress immediately, without troubling your Lordship.

I beg leave humbly to submit to your Lordship if it may not be proper to ascertain the Jurisdiction that shall henceforward be exercised by the respective Governors beyond the Boundary Line now to be ratified.

I hope your Lordship will pardon the liberty I have taken in humbly submitting these matters to you, as doubts concerning them have occurred to me, and my desire to act properly suggested the expediency of my laying them before your Lordship.

I have the honor my Lord &c

JOHN STUART.

[B. P. R. O. AMERICA & W. INDIES. VOL. 215.]

Proceedings and Resolutions of the Council of War held at Hillsborough Camp the 22^d and 23^d September 1768.

The Insurgents having petitioned His Excellency the Governor for pardon and desiring to know the terms on which their submission would be accepted—His Excellency being extremely unwell ordered a Council of War to be called consisting of the General and Field Officers of the Army (at which Council all the Gentlemen of the Assembly that were in Town were desired to be present) for their opinion.

The Majority of the Council of War proposed submitting to His Excellency to issue a Proclamation pardoning the People who call themselves Regulators (excepting such of them as may appear to His Excellency to have been Principals in their late Proceedings, to be delivered up to be prosecuted according to Law) on their giving

bond and security to pay by a certain day all such Taxes as are now due by every now insurgent Person who has been of the Confederacy and that they nor either of them for the future obstruct any Public Officer in the due execution of His Office.

His Excellency proposed to the Council of War to reconsider of their opinion &c. and proposed to them whether it would be advisable to send Troops to compel the Regulators to submit themselves to Government. The Council of War having reconsidered their former opinion seemed inclined to adhere thereto, only instead of taking bond and security they proposed that the Regulators should be obliged to take the Oath of Allegiance and the same Oath that His Excellency had ordered to be administered to the Troops.

The Time being expired that His Excellency had proposed the Council of War should have given their opinion and His Excellency continuing extremely ill, sent for the Officers and Proposals hereafter inserted, being approved by His Excellency & the Officers, it was ordered that Major General John Ashe, Colonel James Moore, Colonel Osborn, Colonel Harris of Granville and Colonel Harris of Mecklenburg go out to the Insurgents and deliver a copy thereof which was as follows: That the Insurgents deliver up five of their Chiefs to be hereafter named by His Excellency (Inhabitants of Hillsborough District) to be tried by the Laws of their Country, two from the County of Rowan & two from Anson also to be tried by the Laws of this Country. That the whole Body of the Insurgents lay down and deliver up their Arms at the Head of the Army; That they make a General declaration to pay all their Taxes to the Sheriff or his Deputies whenever required.

That upon their complying with the true Requisitions the Governor will issue a Proclamation of Pardon to all the rest of the Insurgents except the nine Persons hereafter to be mentioned by His Excellency to be delivered up, and will return them their Arms after the five Persons to be mentioned in Hillsborough District have stood their Trials and abided by the Sentence of the Court. These requisitions to be complied with in two hours, otherwise to be void.

The two Persons bound in recognizance are not included in the nine above mentioned nor is it intended that the Pardon offered shall extend to them.

The Gentlemen who carried these Proposals returned and acquainted His Excellency that the Insurgents prayed time to consider of Proposals till 6 o'clock the next morning, which His Excel-

lency granted, but in the evening the Express that carried the permission returned, and brought a note signed by James Hunter informing that the Insurgents had dispersed and he did not know what they intended to do.

Names of the Officers present at the Council of War,

Lieutenant Generals—John Rutherford, Lewis H. DeRossett, John Sampson, Robert Palmer, Benjⁿ Heron, Sam^l Strudwick.

Major Generals—John Ashe & Thomas Lloyd.

Majors of Brigade—Abner Nash & Robert Howe.

Colonels—Alexander Osborn, Edmund Fanning, Robert Harris, James Sampson, Samuel Spencer, James Moore & Maurice Moore.

Lieutenant Colonels—John Frohock, Moses Alexander, Alexander Lillington, John Gray, Samuel Benton & Robert Schaw.

Majors—Thomas Lloyd, W^m Bullock, Martin Fifer, Walter Lindsay and John Hinton.

List of the Members of Assembly present at the Council of War, viz^t,

| | | |
|----------------|-------------------------------|---------------------|
| Cullin Pollock | Thomas Polk | Griffith Rutherford |
| John Mitchell | Farq ^r . Campbell. | Needham Bryant |

[FROM THE COURT RECORDS OF ORANGE COUNTY.]

NORTH CAROLINA }
Hillsboro District. } Ss.

At a Superior Court of Justice begun and held for the district aforesaid at the Court house in Hillsboro on the 22^d day of September, Anno Dom. 1768.

Present.

The Honorable { Martin Howard
Richard Henderson } Esqrs

Grand Jury impanelled and sworn.

- | | |
|------------------------|----------------------|
| 1—Wm. Potter, foreman. | 10—Rich'd Cate. |
| 2—Wm. Buster. | 11—Elisha Cain. |
| 3—Rich'd Fossett. | 12—Joseph Davenport. |
| 4—Wm. Stroud, Jun. | 13—Jos'h Glover. |
| 5—Wm. Forrest. | 14—Sherwood Harris. |
| 6—John Love. | 15—Wm. Graves. |
| 7—Sam'l Van Hook. | 16—Alex. Mebane. |
| 8—David Womack. | 17—Daniel Duncan. |
| 9—Wyat Stubblefield. | |

Who, after receiving their charge from the Court, withdrew.

Henry Pendleton Esq produces to this Court a Commission from his Excellency the Governor, authorizing & empowering him to practice as an attorney in any Superior Court of Justice in this Province, & having taken the several oaths prescribed by Law for the qualification of public officers, and subscribed the test.

John Cooke Esq produced to this Court a Commission from the Hon. Martin Howard Esq. Chief Justice of this Province constituting & appointing him the said John Cooke Clerk of the Superior Court of Justice for the District of Hillsborough by virtue of & according to the directions of an act of the General Assembly of the said Province, in that particular made & provided, who took the several oaths and subscribed the test agreeable to Law.

Court adjourned till tomorrow at 10 o'clock.

Saturday 24th.

Court met according to adjournment.

Present,

The Honorable { Martin Howard, Maurice Moore, } Esquires.
Richard Henderson.

Court adjourned till Monday 10 o'clock.

Monday 26th.

Present,

The Honorable { Martin Howard, Maurice Moore } Esquires.
Richard Henderson.

Petit Jury returned by the Sheriff to wit.

| | | |
|-------------------------------|--------------------|-----------------------|
| David Mitchel | John Douglas, | Henry Morris, |
| John Edwards, Jun. | William McCrawley, | Joseph Allison, |
| Christopher Barbee, | John Lea, | James Wilkinson, Sen. |
| William Grimes, | George Lea, | James Saunders, Jun. |
| Wm. Bynum, | Culbert Hudson, | John King, |
| John Walker, | William Cooke, | John Armstrong, |
| Heydon Pryor, | Archibald Boslin, | Carmes Tinnin, |
| Stephen Serjant, John Tinnin. | | |

Harmon Husbands who stood bound for William Butler, appeared, came into Court & delivered him up to the Court. Was ordered into custody.

Court adjourned till tomorrow 10 o'clock.

Tuesday 27th.

Court met according to adjournment.

Present,

The Honorable { Martin Howard, Maurice Moore, } Esquires.
 Richard Henderson. }

Harmon Husbands, William Few, Samuel Allin & John Butler appeared & acknowledged themselves indebted to our Sovereign Lord the King his heirs & successors in the several sums following, to wit. The said Harmon Husbands in the sum of five hundred pounds, & William Few, Samuel Allin & John Butler his securities in the sum of two hundred & fifty pounds each. On condition that the said Harmon Husbands stay & perform the sentence of the Court now sitting, in a certain bill of indictment now preferred against him, & that he do not depart the Court without leave of the same.

William Butler, Samuel Allin, John Butler & William Few appeared & acknowledged themselves indebted to our Sovereign Lord the King, his heirs & successors, in the several sums following, to wit, the said W^m. Butler in the sum of five hundred pounds, & Samuel Allin, John Butler & W^m. Few his securities in the sum of two hundred & fifty pounds each. On condition that the said William Butler stay and perform the sentence of the Court now sitting on a certain bill of indictment preferred against him, and that he do not depart the Honorable Court without leave of the same.

The King }
vs. } Indictment.
 Edm'd Fanning }

Jury impan'd & Sworn find the defendant guilty.

Court adjourned till to morrow 10 o'clock.

Thursday 29th.

Court met according to adjournment

Present

The Honble { Martin Howard Maurice Moore } Esquires
 Rich'd Henderson }

The indictment preferred against James Hunter, Ninion Hamilton, Isaac Jackson, John Philip Hartso, William Moffitt, John Pile & Francis Dossett, for a Rout, having been returned by the Grand Jury "a true bill as to all except John Pile," it is ordered by the

Court that the bill be Quashed, by reason of the irregularity of the return, and that the Attorney General prepare a new bill.

The indictment preferred against James Hunter, William Butler, Ninion Hamilton, Peter Craven, Isaac Jackson, Peter Julian for a rout, having been returned by the Grand Jury "a true bill as to all except Peter Julian," it is ordered by the Court that the bill be quashed, by reason of the irregularity of the return, and that the Attorney General prepare a new bill.

The indictment preferred against William Pain, James Hunter, William Butler, Ninion Hamilton, Peter Craven, Isaac Jackson, Peter Julian, Matthew Hamilton & Ninion Bell Hamilton, having been returned a true bill as to all except Peter Julian. It is ordered by the Court that the bill be quashed by reason of the irregularity of the return, & that the Attorney General prepare a new bill.

The King }
vs.
 Dennice Bradley }

Not guilty on an indictment for felony, to wit, the burning of the public gaol of Granville.

Jury impannelled & sworn to wit,

- | | |
|-------------------------|---------------------------|
| 1 — David Mitchel. | 7 — Joseph Allison. |
| 2 — Christopher Barbee. | 8 — James Wilkinson, Sen. |
| 3 — John Douglas. | 9 — James Saunders, Jun. |
| 4 — Heydon Pryor. | 10 — John Armstrong. |
| 5 — John Lea. | 11 — Stephen Serjant. |
| 6 — George Lea. | 12 — John Tinnin. |

Who brought in their verdict as follows, to wit — We find Dennice Bradley, the prisoner at the bar, not guilty.

Court adjourned till 4 o'clock.

Court met pursuant to adjournment.

Present

The Honorable { Martin Howard, Maurice Moore and } Esq^{rs}
 Rich^d Henderson }

The King }
vs.
 William Butler }

Not guilty on an indictment for a rescue of goods.

Jury impan'd and sworn, to wit:

Saturday October 1st.

Court met according to adjournment

Present

The Honorable { Martin Howard
Maurice Moore, & } Esqrs.
Rich'd Henderson }

Francis Nash, Esq, came into Court and acknowledged himself indebted unto our Sovereign Lord the King, his heirs & successors, in the sum of five hundred pounds proc. money, to be levied on his goods and chattels, lands & tenements, but to be void upon condition that he make his personal appearance at the next Superior Court of Justice to be held for the district of Hillsboro at the Court house in Hillsboro on the 22nd day of March next, then & there to abide by the judgment of the said Court, & not depart without leave thereof.

Abner Nash and Edmund Fanning, Esqrs, came into Court and acknowledged themselves indebted unto our Sovereign Lord the King, his heirs & successors in the sum of two hundred and fifty pounds proc. money each to be levied upon their goods & chattels, lands & tenements, but to be void upon condition that Francis Nash, Esqr., make his personal appearance at the next Superior Court to be held in the district of Hillsboro on the 22nd day of next March, then & there to abide by the judgment of the said Court, and not depart without leave thereof.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

Some time before y^e General Court was held at Hillsborough In September 1768, a Discoarce Commonly passed throughout y^e Country ^{re} Harmon Husbands would be then condem^d and put to Death, (through a suspision of being protector of ^{re} Regulators,) Which was Cause of great Sorrows to me for I had Been well acquainted with Him well on to 20 years and knew His principle and practice to be such, ^{re} He was not Worthy of Death — When Court came on my Curiaucity led me to leave ^{re} Regelaters who ware Incamped nigh ^{re} town, and Endeavour privately to Inspect into ^{re} matter — When I went to y^e town I was taken up by y^e guard and took Before an officer who gave me Liberty to go where I saw fit through any part of y^e town As I walked a long I saw Collenel Edmen Fanning who

was then viewing this part of y^e Army they Being In an Exercising form y^e drums Baiting and Coulers flying and as I drew nigh, y^e Collenel Espied me and met me In a genteel manner, and said Well How Do you Do M^r M^rerson, When I had answered He said, Well what temper is y^e Regelaters in this morning — I said y^e people seems temperate, But they take it Hard st thee and other gentlemen Concern^d therein should offer to touch Harmon Husbandses Life — touch His Life says He, He must be put to Death, Oh no, no Collenel Fanning Says I Dont say so - y^{ts} hard, y^{ts} very Hard, He must says he must surely Die as sure as thee is Born of a Woman I consider^d some part of y^e Day whether I should tell Harmon or not what I had heard At length I told him, who said Well now I will go of — I waited on him till he mounted his horse then rode by his side Discoarcing of y^e matter, John Wilcox fell in with us as we Left y^e Regelater Camp, and said to him, What M^r Husbands are you a going of he said yess I Believe I had Best for if they get me into town I believe they will hang me — then Wilcox hastily rode before us and began to Lement in this manner, Oh shocking, sbocking my God I wish I had never been born, then he stopt his horse and was as I conceived much in anguish of spirit and says M^r Husbands But will you not stand tryal for If you Dont y^e Country is Ruind is Ruind then Harmon said Doest think I had Better stand tryal Yes it would be best Yes Sir it would And I will stand by you to y^e very Last, During this Discoarce we had rode near three mile, when on a sudden Harmon Resolved to Return with Wilcox to town and advised me to ride home I being then on y^e way which I did with a Sorrowful Heart.

The above account is just and true to y^e best of my knowledge

William M^rPherson came before Me and Proved that the above & within writing is the Truth. Proved before Me the 23th Aprile
1770

JOAB BROOKS

[B. P. R. O. AM. & W. I. N. C. No. 216.]

Observations on the Thermometer Hillsborough. North Carolina.
September 1768.

| DIE MONTHS | HOURL 6 | HOURL 9 | HOURL 12 | HOURL 3 | HOURL 6 | HOURL 9 | HOURL 12 |
|---------------|------------|------------------|------------------|------------------|------------|------------|-------------|
| 1 | 71 | 75 | 78 | 79 | 78 | 71 | 70 |
| 2 | 72 | 73 | 75 | 77 | 75 | 70 | 68 |
| 3 | 71 | 72 | 75 | 77 | 75 | 71 | 68 |
| 4 | 63 | 66 | 74 | 75 | 74 | 70 | -- |
| 5 | 65 | 68 | 71 | 74 | 75 | 70 | -- |
| 6 | 61 | 65 $\frac{1}{2}$ | 73 | 75 | 74 | 70 | -- |
| 7 | 62 | 67 | 75 | 77 | 75 | 70 | -- |
| 8 | 63 | 70 | 80 | 81 $\frac{1}{2}$ | 78 | 74 | -- |
| 9 | 72 | 74 $\frac{1}{2}$ | 78 | 78 $\frac{1}{2}$ | 74 | 73 | -- |
| 10 | 62 | 64 | 67 | 70 | 68 | 68 | 66 |
| 11 | 63 | 70 $\frac{1}{2}$ | 80 | 82 $\frac{1}{2}$ | 78 | 72 | -- |
| 12 | 64 | 69 | 73 | 75 | 71 | 68 | -- |
| 13 | 63 | 64 | 68 | 70 $\frac{1}{2}$ | 69 | 65 | -- |
| 14 | 62 | 64 | 67 | 67 | 65 | -- | -- |
| 15 | 62 | 64 $\frac{1}{2}$ | 73 | 75 | 74 | -- | -- |
| 16 | 63 | 66 | 73 | 76 | 72 | -- | -- |
| 17 | 61 | 63 | 66 $\frac{1}{2}$ | 67 $\frac{1}{2}$ | 67 | -- | -- |
| 18 | 59 | 61 | 68 | 71 | 68 | 66 | -- |
| 19 | 68 | -- | -- | -- | -- | -- | -- |
| 20 | -- | -- | -- | -- | -- | -- | -- |
| 21 | -- | -- | 83 | -- | -- | -- | -- |
| 22 | -- | -- | -- | -- | 70 | -- | -- |
| 23 | -- | -- | 84 | -- | -- | -- | -- |
| 24 | 69 | -- | -- | 74 | -- | -- | -- |
| 25 | -- | -- | -- | -- | -- | 68 | -- |
| 26 | -- | -- | -- | 79 | -- | -- | -- |
| 27 | 68 | 70 | 72 | 73 | 72 | 69 | -- |
| 28 | 72 | -- | -- | 78 | 77 | 74 | -- |
| 29 | 68 | 70 | 73 | 80 | 78 | 75 | -- |
| 30 | 67 | 72 | 73 | 74 | -- | -- | -- |

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

COUNCIL JOURNALS.

At a Council held at Hillsborough 1st October 1768.

Present

His Excellency the Governor

| | | | | | |
|------------|---|-----------------|------------------|---|-----------|
| The Honble | { | John Rutherford | John Palmer | } | Esquires. |
| | | Lewis DeRosset | Benjamin Heron | | |
| | | John Sampson | Samuel Strudwick | | |

His Excellency having acquainted this Board that many of the Insurgents having submitted themselves by laying down their arms and imploring His Majestys Pardon, others having been convicted by a due Course of Law, and the remainder absconding through Fear of Punishment to the great injury of their Families proposed to this Board his intent of issuing a proclamation of general pardon with some exceptions.

Ordered that a Proclamation issue in the following words Viz'

NORTH CAROLINA — Ss

By His Excellency William Tryon Esquire &c.

A Proclamation —

Whereas, Divers dissolute outrageous and disorderly persons have of late frequently Assembled themselves together in several parts of this province particularly in the County of Orange, Anson, Rowan and Johnston in a most riotous and unlawful manner to the disturbance of the publick peace, audaciously attempting to intimidate and deter the Civil Magistrates from doing their duty and committing many Acts of violence contrary to Law being led on by some evil, wicked and designing men.

And Whereas the greater number of these Insurgents having testified a sense of the heinousness of their crimes and the violence they have offered to Government, many having submitted themselves by laying down their Arms, and imploring his Majestys gracious Clemency, others convicted by due course of Law still a great number through Fear of the Punishment due to their Crimes have absconded to the great hurt and prejudice of their Families

I do therefore out of compassion to the misguided multitude, being much more inclined to prevent than punish crimes of so high

a nature by and with the unanimous advice and consent of His Majestys Council issue this my proclamation granting unto them His Majestys most gracious pardon for the several outrageous Acts by them committed at any time before the day of the date hereof, except James Hunter, Ninion Hamilton, Peter Craven, Isaac Jackson Harmon Husbands Matthew Hamilton William Payne Ninian Bell Hamilton, Malachi Fyke, William Moffitt, Christopher Nation Solomon Gross and John Oneal of which all officers of Justice and others concerned therein are to take due notice

Given under my hand and the Great Seal of the Said Province at Hillsborough the 3rd of October 1768 &c

W^m. TRYON

BENJ. HERON Secretary

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

At a Congress of the Principal Chiefs & Warriors of the Cherokee Nation of Indians, Held at hard labour, in the Province of South Carolina the fourteenth day of October in the Year of our Lord one thousand seven hundred & sixty eight, by John Stewart Esq^r his Majesty's Agent for and Superintendant of the affairs of the Indian Nations in the Southern district of North Carolina.

A Treaty for the Ratification and Confirmation of several Cessions to his Most Sacred Majesty George the third, by the Grace of God of Great Britain, France & Ireland, King defender of the Faith & so forth, made at different times by the said Nation of Cherokee Indians, of certain Lands lying within the limits of the provinces of South Carolina, North Carolina & Virginia, & for the continuance and preservation of Peace between his Majesty and the said Cherokee Indians.

It having been found necessary for the preservation of the peace & Tranquility of his Majesty's provinces in the Southern district of North America, to ascertain a Boundary Line dividing the Lands ceded to His Majesty, within the limits of said provinces, by the Indian Nations, in the said district from the lands reserved by the said Nations of Indians, for their own Use & as hunting Grounds and to prevent as much as possible, Disputes between the white

Inhabitants of the respective provinces, & the different Indian Tribes, on account of encroachments on the Lands reserved by said Tribes and Whereas for the purpose & Intent above receited, various Treaties & Agreements, have been entered into by John Stuart Esq^r His Majesty's Agent for & Superintendant of Indian Affairs in the Southern District, & the Governors of the respective provinces, within the said District, with the different Tribes of Indians therein, by which, Cessions of Lands have been made, by said Tribes to his Majesty within the limits of the respective provinces, and boundary lines, dividing the lands reserved by the Indians, from those ceded as aforesaid have been determined & fixed with the Approbation & consent of the Governors and Councils of the respective provinces, and Whereas said Treaties & Agreements have been submitted to his Majesty who has been graciously pleased to approve of them, and order that the boundary line behind said provinces as reported upon & marked by the Right Hon^{ble} Lords Commissioners for Trade & plantations, the seventh day of March, in the Year of our Lord, one thousand seven hundred & sixty eight, be as soon as possible Ratify'd & confirmed, by His Royal Authority, & that John Stuart Esq^r his Majesty's Agent for and Superintendant of the said Indian Tribes, should as speedily as possible enter into Treaties with the said Indians for the above purpose And Whereas the Nation of Cherokee Indians, did by their Deputies, on the tenth day of January in the Year of our Lord one thousand seven hundred & sixty six, at Fort Prince George cede to his Majesty and his Heirs forever, all the lands formerly claimed by and belonging to said Indians, lying within the province of South Carolina, to the Eastward of a certain line, marked by their said Deputies, in conjunction with Alexander Cameron Esq^r Deputy Superintendant & Edward Wilkinson Esq^r Commissioner for the province of South Carolina, beginning at a place called Towatuhe on the Northern Bank of Savanna River, & thence running in a North, Fifty degrees East course to Dewisses corner, & thence in the same course to Waughoe, or Elm tree on the South side of Reedy River, And Whereas the said Nation of Indians did by their Deputies, on the thirteenth day of June in the Year of our Lord one thousand seven hundred & sixty seven, likewise Cede to His Majesty & his Heirs forever, all the lands formerly belonging to and claimed by said Indians, lying within the province of North Carolina, to the Eastward of a certain line marked by their said

Deputies in Conjunction with Alexander Cameron Esq^r Deputy Superintendant, & John Rutherford, Robert Palmer, & John Frohock Esq^r Commissioners for the province of North Carolina, beginning at Waughoe or Elm Tree on the South side of Reedy River, standing on the South side of said river, where the South Carolina line terminates, and running thence a North course about Fifty Miles to the Mountains, to a Spanish Oak, marked with the Initial letters of the Commissioners Names & several other trees with the Names & marks of Juds Friend, Saliey Ecuy & other Deputies from the Cherokee Nation, standing on the top of a Mountain, now called Tryon Mountain near the sources of White Oak and Packalato Creeks, the former discharging its Waters into Green River, and the latter into Broad River, and the Mountains being found Impervious & it being therefore deemed by the said Indian Chiefs, Deputy Superintendant, and Commissioners, impracticable to continue to mark the said line, it was agreed upon by the Parties that the line dividing the lands ceded to His Majesty, in North Carolina, from those reserved by the Cherokee Indians, for their Hunting Grounds, should be continued as follows, Viz^t, From the top of Tryon Mountain beginning at the marked Trees thereon in a straight line to Col^o Chiswell's Mine, on the Eastern Bank of the great Conhoway River in Virginia being a North & B. E. course. And Whereas in several Talks & Messages from the great Council of the Cherokee Nation assembled at Chote to John Stuart Esq^r His Majesty's Superintendant, the said Indians declared their Determination of ceding to His Majesty & His Heirs forever, all the lands formerly claimed by & belonging to said Nation of Indians, lying within the province of Virginia, to the Eastward of the line already described, as far as Chiswell's Mine as well to the Eastward of a line to be marked by Deputies from said Nation of Cherokees, in Conjunction with the Superintendant of the Southern District or His Deputy & certain Commissioners to be appointed by the aforesaid province of Virginia, running in a straight line from Chiswell's Mine on the great Conhoway aforesaid to the confluence of said River with the Ohio, where the Boundary Line behind the Northern District terminates.

Article 1st. Pursuant Therefore to His Majesties orders to, & power & authority vested in John Stuart Esq^r His Majesty's Agent for & Superintendant of the Affairs of the Indian Tribes in the Southern District of North Carolina, It is agreed upon by the said John Stuart

Esq^r on behalf of His Most Sacred Majesty George the Third by the Grace of God of Great Britain, France, & Ireland King, defender of the Faith & so forth, & by the subscribing Cherokee Chiefs and Warriors on behalf of their said Nation, in consideration of His Majesty's generosity & paternal Goodness, so often Demonstrated to them the said Cherokee Indians, That the above recited Treaties & Agreements be Ratified and Confirmed, & they are Hereby Ratified & Confirmed accordingly, and it is by these presents firmly Stipulated & Agreed upon by the parties aforesaid, that the above recited line, beginning at a place called Towatulle, on the northern bank of Savanna River & Running a North fifty degrees East course to a place called Dewisses corner, or the Yellow Water, & thence in the same course to Waughoe or Elm Tree on the South side of Reedy River; & from the said Waughoe or Elm Tree in a North Course to a Spanish Oak mark'd with the Initial letters of the Names of the North Carolina Commissioners above recited, & several other Trees with the Names & marks of Juds Friend, Saliey, Ecuy, & other Deputies of the Cherokee Nation, standing on the top of a Mountain, now called Tryon Mountain, where the Ridge of Mountains becomes Impervious, and from the top of Tryon Mountain, at the marked Trees aforesaid, in a straight line about a N by E Course to Col^o Chiswell's Mine on the Eastern bank of the great Conhoway, and from thence in a straight line to the Mouth of the great Conhoway River, where it discharges itself into the Ohio River, shall remain & be deem'd by all His Majesty's Subjects, as well as by the Indians of the Cherokee Nation, the true Limits & Boundaries of the Lands reserved by said nation of Indians for their own proper Use, and Dividing the same from the lands Ceded by them to His Majesty within the provinces of South Carolina, North Carolina, & Virginia, and that His Majesty's white Subjects inhabiting said provinces, shall not upon any pretence whatsoever Settle beyond the said line, nor shall the said Indians of the Cherokee Nation Eneroach or make Settlements on the lands which they have ceded, and by this Treaty confirm to His Majesty.

ARTICLE IInd. And it is further agreed upon and stipulated by the Contracting Parties, that no alteration whatsoever shall henceforward be made in the Boundary lines, above recited, and now solemnly agreed upon, Ratified & Confirmed as aforesaid, except such as may hereafter be found Expedient & Necessary for the mutual Interests of both parties, and which Alteration shall be

made with the full Consent of the Superintendant, or such other Person or Persons as shall be Authorized by His Majesty, as well as with the Consent and Approbation of the Cherokee Nation of Indians, at a Congress or general Meeting of Indians to be held for said purpose, and not in any other Manner.

ARTICLE III. And it is further Stipulated and Agreed by the Contracting parties, that the Second & Third Articles of the Treaty for the preservation of peace & Friendship between His Majesty and the above Nation of Indians, concluded at Augusta in the province of Georgia, on the tenth day of November in the Year of our Lord One thousand Seven hundred and sixty three, by the Superintendant, in Conjunction with the Governors of the respective provinces in the Southern District, and the principal Chiefs & Warriors as well of the said Nation as of the Creek, Chactaw, Chickesaw & Catawba Nations, are hereby Ratified and Confirmed, and shall forever be Observed by the said Parties.

In Testimony Whereof the said Superintendant on behalf of His Majesty, and the underwritten Cherokee Chiefs on behalf of their Nation, have signed and Sealed this present Treaty at the Time & Place aforesaid.

JOHN STUART [L. s.]

Superintendant of and Agent for Indian Affairs, Southern District.

| | | | |
|--------------------|-------------------|----------------------|-------------------|
| OUCONNASTOTAH | His + Mark. | COTCHATOY | His + Mark. |
| WILLINAWAW | His + Mark. | CHINISTOE | His + Mark. |
| USTENECA | His + Mark. | RAVEN OF TUGALOO | His + Mark. |
| TIFTOE | His + Mark. | MANKILLER OF CHOTE | His + Mark. |
| ECUY | His + Mark. | OTACITE OF QUARATRIE | His + Mark. |
| SALIEY | His + Mark. | RAVEN OF NEWCASSIE | His + Mark. |
| WARRIOR OF COWIE | His + Mark. | TUCKASSIE KEOWEE | His + Mark. |
| THE WOLF OF KEOWEE | His + Mark. | CONANENNAH | His + Mark. |

By order of the Superintendant.

WILLIAM OGILVY Sec^y.

I certify the above to be a true copy.

JOHN STUART.

[FROM THE COURT RECORDS OF ROWAN COUNTY.]

NORTH CAROLINA }
 Rowan County } To wit

At an Inferior Court of pleas and Quarter Sessions Begun and held for the County aforesaid at the Court House in Salisbury on the Third Tuesday in October in the Eighth year of our Reign Anno Dom 1768

Present — John Oliphant }
 Jacob Lash } Esquires

* * * * *

Frances Lock Esquire late Sheriff of County of Rowan came into open court five justices being present to wit Alexander Osborn John Brandon Matthew Lock William Spurgen and William Mellican Esqr^s and made oath that as sheriff for the year 1766 he hath only collected one thousand taxables from the persons mentioned in the list of taxables for the year aforesaid and also made oath that the remaining number of two thousand and forty two taxables mentioned in the said List he used particular Endeavours to collect the said tax from but was violently opposed in the execution of his said office particularly by those who had lately styled themselves Regulators by which means he declares he is rendered incapable of making a further settlement. He further declares on oath that he hath collected and rendered fifty supernumerary Taxes for that year aforesaid

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to the Board of Trade

HILLSBORO 9th October 1768

The bearer Mr Jones a native of Virginia and at present an inhabitant of Orange County in this province solicits an introduction to your Lordships for the favor of ordination orders This gentleman I have no personal acquaintance with he came recommended to me by the Reverend Mr Micklejohn. He has been an inhabitant of this province about eighteen months during which time Mr Micklejohn informs me he has conducted himself in the

character of a physician with propriety and a becoming decency
If your Lordship on examination shall find him properly qualified
for that sacred function you conferring on him that favor will
accomplish the intention of his voyage to England

I am &c^a

[FROM MS. RECORDS IN OFFICE OF THE SECRETARY OF STATE.]

NORTH CAROLINA }
Rowan County }

This Day Francis Lock Esquire Lete Shireff of the County of
Rowan aforesaid Complained upon Oath that on the Sixth Day of
October the present Instant he the said Francis Lock Being Endeav-
ouring to Collect the Taxes Due from the Taxable persons within
said County as also all arrears of taxes in vartue of a Certain Act
of Gen^l assembly of this provence Did according to List Deliverd
him by the Clerk of said County Demand of one James Delap
Otherwise Called James Dunlap One Tax Due to him as Sheriff and
Collector of publick and County Tax Due as a fore Said for y^e years
1764 & 1765 & 1766 and he the Said James haveing obstanantly
Refused to pay the saime or any part thereof he the said Francis
Lock by Vartue of his power as Shiereff & agreeable to said act Did
Take Seaize and Destrain a Cartain Sorrel Gelding the property of
the Said James for the payment of the said Taxes which said geld-
ing was by Said James together with a number of others nere or
about 15 persons univstly unlawfully and voilently Rescued from
him the said Francis Lock by the said James and his said assistant●

FRANCIS LOCK Shir

Sworn & Signed this 14th October Before me

W^m TEMPLE COLES

[FROM THE COURT RECORDS OF ROWAN COUNTY.]

This Indenture made this sixteenth Day of October in the year of
our Lord 1768 Between Adam Mitchell of the Province of North
Carolina & County of Rowan Farn er, and John McKnight & Will-

iam Anderson as Trustees for the Presbyterian Congregation on the waters of N. Buffalo &c of the same Province & County Witnesseth that the s^d Adam Mitchell for & in consideration of the sum of Twenty shillings currant and Lawfull money of the aforesaid Province to him in hand paid by the s^d John M^cKnight and William Anderson at & before the Ensealing & Delivery of these Presents, the receipt he doth hereby acknowledge hath Granted Bargained sold aliened Enfeoffed & Confirmed and by these presents doth Grant Bargain Sell & Confirm unto the s^d John M^cKnight and William Anderson & their successor in that Office one acre of Land for the use of a Presbyterian Meeting House to those that are members of the Synod of Philadelphia in Pennsylvania & New York Synod and to that use forever, Lying and being in the afs^d Province & County and Bounds thus to wit Beginning at a stake on William Anderson's line thence running west sixteen Perches to a stake Thence South Ten Perches to a stake Thence East sixteen Perches to s^d Anderson's Line. Thence North along his Line Ten Perches to the Beginning, Including the Meeting House & Study House Containing & now Laid out for one acre more or less with the Rights Members & appurtenances thereof and all Houses Edifices Buildings Commons Trees woods underwoods ways Paths Water Courses Hereditaments & Premises belonging or in any wise appurtenanting and also all the Right Title Claim and Demand whatsoever of him the s^d Adam Mitchell of in or to the s^d Premises, To Have and to hold the s^d Described one acre of Land and Hereditament and premises to the only use and Behoof of them the s^d John M^cKnight & William Anderson and their successors in that office for the use of those that are members of the Synod of Philadelphia in Pennsylvania and New York Synod forever and the s^d Adam Mitchell for himself his exrs adms, doth covenant and agree to and with the s^d John M^cKnight & William Anderson and their successors that said Premises now is and forever hereafter shall remain and be free and clear of and from all former and other Gifts Bargains Sales Dower and Title of Dower Mortgages arrears Jointures Dues Charges and Incumbrances whatsoever prior to the Date hereof the Quit rents Due and to grow Due and payable to the Earl of Granville's heirs and successors only fore prised and excepted and further that the said Adam Mitchell and his Heirs all and singular the premises Granted and Released or mentioned or intended so to be with their and every of their appurtenances unto the said John M^cKnight & William Anderson and their successors being

members of the Presbyterian Synod of Philadelphia in Pennsylvania and New York Synod forever against him the said Adam Mitchell and his Heirs and against all and every person or persons claiming right Title or Interest thereunto by from or under them or him shall and will warrant and forever Defend by these presents. In witness whereof the said Adam Mitchell hath hereunto set his hand and affixed his seal the Day and year above mentioned.

ADAM ^{his} X MITCHELL [Seal]
mark.

Signed Sealed and Delivered in presence of

THOMAS DONNELI.

JOHN MITCHELL

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Earl Hillsborough

BRUNSWICK the 25th October 1768

I returned from the back county to Brunswick on the 17th instant, in so weak and reduced a state of health, that it is at present out of my power to transmit to your Lordship the particulars of the conduct of the insurgents in those parts: I have hitherto by raising a body of upwards of one thousand militia stopt the violence they threatened against the Superior Court and town of Hillsborough. I have great expectations by some prudent regulations at the next General Assembly (which I am to meet at Newbern on the third of November next) these insurgents will be deterred from collecting again in such tumultuous meetings. The great fatigues I was obliged to undergo in the very hottest of the summer and the heavy weight of anxiety I was under for the success of my attempts to stop the progress of these insurgents which was spreading through most counties in the province, threw me down in a bloody flux and putrid fever the 19th of last month luckily only the day before I marched into Hillsborough a detachment of militia from the counties of Rowan and Mecklenburg. These with some militia from Orange and Granville counties kept possession of the town and prevented the obstruction and insults intended to be offered to the Superior Court and town. If Captain Collet, Commander of Fort Johnston, should depart this province before I am able to send to

your Lordship the details of the occurrences and transactions of these mad people, he will wait on your Lordship at my request on his arrival in England and inform you of the particulars, as he was my aid de camp, and well acquainted with the general conduct of these insurgents as well as the steps I pursued.

I must beg leave here to acknowledge the receipt of your Lordship's letters from N° 1 to 14 inclusive, excepting N°s 9 and 10 which have not yet come to hand. Those I have received shall be duly honored upon the earliest reestablishment of my health, and the important matters contained therein obeyed to the best of my abilities.

His Majesty's approbation of my conduct in my station, is the best cordial I could have received in my present infirm state of body and mind and hope that in a short time I may reestablish my health so as to exert my success that duty and zeal shall ever profess for his Majesty's service.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Earl of Hillsborough

BRUNSWICK 27th Oct 1768.

I have the honor to transmit to your Lordship by the care of Captain Collet a draft of a map of North Carolina in two divisions N° 1 and 2, which I humbly beg leave may be presented to his Majesty. Captain Collet, Commander of Fort Johnston with his assistant made these drafts from the original of Mr Churton's map which was laid before the General Assembly of this province in November 1766 at my recommendation for whose assiduity and labor the Assembly allowed Mr Churton a handsome gratuity; after I had succeeded for him I assured him if he would take due pains to complete and make perfect the southern and maritime parts of the province he should carry home the complete map and present it at the Board of Trade, to whom I would recommend him for his Majesty's benevolence in consideration of his additional expence and labor. - He gladly embraced my proposals and consequently in 1767 he made several journies to the different parts of the sea board, where upon taking actual surveys both on the coast and in the country, he found that division of his map N° 2 greatly defective

(having been planned only from information and old maps) which he told me so vexed him that he condemned and cut off that part of his map N° 2. While he was on the above surveys he wrote to acquaint me if any accident happened to him before his intended departure for England he gave me his map which was a request I had formerly made him: Soon after this, in December last, he died, and by virtue of the above letter I got into my possession his map as divided; The works he had traced in his last surveys were not perfect enough to be made use of by any but himself, I am further to observe that, that part of his map N° 1 containing chiefly Lord Granville's district, was laid almost wholly by actual surveys and has been under the correction and improvement of Mr Churton for upwards of ten years; This task he was very capable of executing with correctness having been a surveyor in Lord Granvilles land office near twenty years. I enclose your Lordship a letter of Captain Gordon, chief engineer in America which will shew you the opinion he entertained of this laborious work, I am inclined to believe there is not so perfect a draft of so extensive an interior country in any other colony in America.

The map No. 3 represents Mecklenburg county and the dividing line that was run last year between this province and the Cherokee hunting grounds: Tho' part only of this map is laid down by real surveys, it is nevertheless tolerably accurate with regard to the water courses and will afford some idea of the western frontiers of this province. It is laid down upon the same scale with Mr Churton's map. This draft N° 3, points out how far the partition lines between his Majesty and Lord Granville's district, and the temporary boundary line between the two Carolina's have been extended, the first to Cold Water a branch of Rockey River, the second to the eastward boundary of the Catawba nation, five miles and a half to the eastward of Catawba River, reference being had to my letter to the Lords of Trade and Plantations, bearing date the 27th January 1766, the proceedings that have been had on these two lines will fully appear. This leads me to point out to your Lordship the real important occasion there is to extend by authority the temporary line between the Carolinas from where it left off till it intersects the boundary line run last year between this province and the Cherokee hunting grounds. I submit the following reasons in support of this necessity. 1st. The taxes of almost the whole inhabitants, amounting to four or five hundred families that are settled between the

westward of Catawba river and the western frontiers, are lost to this government — the settlers refusing payment and asserting they are not within the jurisdiction of this colony. 2^{ndly}. All civil processes that are levied upon these people by the sheriffs or other civil officers are treated with contempt or opposition, many of them alleging they lye within the South government. 3^{rdly}. All the horse thieves that were drove out of South Carolina last year, joined with those of this Colony, find a secure retreat in these parts, to the great prejudice of our western frontier, and lastly by the line running no further than the eastward boundary of the Catawba nation it leaves a country of almost seventy miles extent, between that line and of the Cherokee boundary. This body of land lies open to be patented by both governments by which means many tracts of land are patented by both governments a circumstance that may be the source of many suits of law among the poorer inhabitants. On these grounds I beg leave to submit to his Majesty the expediency of closing up the limits between this province and South Carolina. At present it embarrasses my administration extremely, particularly by the frequent complaints that are sent to me of the deputy surveyors of the South government breaking in upon these settlements and surveying lands for south patents, thirty or forty miles to the northward of where it is supposed this dividing line will run, as punctuated in the plan N^o 3.

I had an opportunity by Lord Charles Montagu's honoring me with a visit the 24th instant in his journey to Charlestown, of shewing his Lordship this plan at the same time I acquainted him of my going to apply home, that the temporary line between the two Carolina's might be continued to the Cherokee indian partition line before mentioned, and explained to him the real inconvenience this province suffered for want of its being closed. His Lordship was pleased to say, he believed the south government could have no objections to that line being extended, and that the inconveniences, particularly with regard to the land offices were mutual to both governments for want of extension of the said temporary line. The continuation of the partition line between his Majesty's and Lord Granvilles district would prevent the confusion that must happen whenever Lord Granvilles land office is again opened, and tho' all possible care is taken to prevent encroachments on his Lordships lands to the westward of Cold Water, I am apprehensive many of the Kings patents will be found to fall within his

Lordships districts whenever his Majesty and Earl Granville shall extend by commission this line to the Blue Mountains, I mention to the mountains, as it is imagined it will strike them to the northward of Tryon mountain.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Earl Hillsborough.

BRUNSWICK 28th October 1768.

Captain Collet has obtained my leave of absence from his command of Fort Johnston in order to present to your Lordship some maps of this province mentioned in my letter N^o. 8, and to solicit his friends for some additional establishment in His Majestys service in America; In justice to his merit and in consideration of the disappointment he has experienced in the emoluments of Fort Johnston to the injury of his private fortune, I must beg leave to recommend him to your Lordships notice. He is very solicitous of being employed to finish the map of this province, the southern and sea-board parts of which are left imperfect by Mr Churton. This undertaking I esteem him capable of executing to his Majesty's satisfaction if allowed appointments for proper assistants, it being impossible without such aids to make surveys through the woods and swamps in the maratime counties in this province.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

Letter from the Sheriff of Orange County to Governor Tryon

ORANGE COUNTY October y^e 29th 1768

Eight days after date I received your letter of the 10th Inst and persuant to your Instructions have taken a Tour among the people called regulators, particularly I saw Ninian Hamilton Sen^r William Butler John Low and about Twenty others who all declared they were ready to comply with, and be obedient to the Laws of the Government, and that they believed it was the general Intent of the people to do the same in short Every man I saw either paid me or promised to do it as quick as they could, I also sent my Deputy M^r Worham Glen with Instructions to go to George

Adam Salley, Phillip Hartsoe, Frances Dausset Peter Craven and as many more as time would permit, and to meet me in Hillsborough on the 26th Inst, M^r Glen has returned, and says that he distrained on two of the Insurgents which they peaceably Submitted to, and that was at near thirty of their houses, and does believe Every man paid him that was able to produce the money M^r Glen further Informs me that the regulators desired him to assure me that it was the General intention of the people to Submit to Government, and that if I would favour them with ten days notice where I would meet them, that they hoped I should receive my due from them without Much further Trouble, I therefore send M^r Glen out Tomorrow in order to Disperse advertisements and purpose to attend on the 10th and 11th of next month at six different places, I intend to be amongst 'em in person and if anything should Occur, Contrary to what I have now wrote, your Excellency may depend on receiving an Express from me as quick as may be after my return home

Col^o Fanning (on my behalf) waits on your Excellency with a petition, praying some Indulgence from the Legislature, and I Humbly hope it will meet with Your Approbation and Indulgence, which will Ever be considered as a Singular favour Conferred on
Your Excellencys most &c

TYREE HARRIS

[REPRINTED FROM BOSTON CHRONICLE FOR NOVEMBER 7-14. 1768.]

A letter from Mecklenburg in North Carolina, mentioning the disorders that prevail in that province, contains the following observation: "If any law may be said to be oppressive it is such as is intended to affect one particular county or set of people more than another, such as Lord Bute's *Cyder Act* which affected only the Southern parts of England, but never could operate to the prejudice of Scotland; and such is the act of North Carolina that has so much contributed to disturb its internal quiet, for building a house for the Governor. The enormous sum granted for that purpose, is to be raised by a poll tax in three years; but as the people in the lower counties are few in proportion to those in the back settlements, it more immediately affects the many, and operates to their prejudice; for, besides that not one man in twenty of the four most populous

counties will ever see this famous house when built, (as their connections and trade do, and ever will, more naturally centre in South Carolina) a man that is worth 10,000*l* pays no more than a poor back settler that has nothing but the labour of his hands to depend upon for his daily support, and who in fact must be still more grievously oppressed if he has a large family, which 'tis ten to one but he has, as the women in these parts are remarkably prolific.—Such uneasiness seldom arises without cause; and it is happy for North America, that the poor people have such quick sensation."

Another letter from the same quarter observes, "that the general dissatisfaction in Anson, Rowan, Mecklenburg and Dobbs counties, has been much heightened, by the course in which Mr. Cook has continued the boundary line between the two provinces, the people of those counties have always expected to fall in the fourth [South] province; as Pedee river to its source (being a good natural boundary) would have left to each about an equal quantity of back country—whereas now, the line of North Carolina joins Georgia not a great way above Ninety-six, and takes in the heads of all the rivers in South Carolina, so that Fort Prince George at Kehowee (which has cost the South province an immense sum, to preserve the trade with the Cherokee Indians, and protect the frontiers) is seventy or eighty miles within the North province. That those counties contain no less than thirty thousand inhabitants and the greatest quantity of good land in one body in all North America, as is evident from the amazing rapidity with which it has been settled. That the loss of this fine tract to this province, must be owing to the inattention of its agent at home to this grand point, who perhaps was even uninstructed, while the agent for North Carolina was assiduously labouring to get it included within the line of that province." The judicious writer goes on with lamenting, that the gentlemen of this province, who travel much into other countries, have taken so little pains to acquire a useful knowledge of their own, as to be almost totally ignorant of its most important interests, and to have so long neglected a proper attention to its internal policy. To this inattention and neglect, he ascribes, (as the primary cause) all the late disturbances: And concludes, "These people deserve the more of your attention, as they will always be your best barrier against foreign or domestic enemies."

John Stuart, Esq, superintendent, &c. we hear is gone to meet the Creek Indians at Augusta; where it is supposed the difference that happened at running the boundary line, may be accommodated.

Advices from the Cherokee country say, that a white man, a trader of Mr. Gowdey's, with a principal Cherokee, were killed by a party of the western Indians, between Jellico and Hywasse, the 14th ult. The trader's goods were carried away, but it is uncertain whether by the enemy or the drivers, who were Cherokees.

[B. P. R. O. AM. & W. INDIES. VOL. 273.]

Letter to John Stuart Esqu^e.

HORSE CREEK, Novem^{ber} 10th 1768.

SIR,

To inform you of ill disposed people. There is one Laurence Rambo living on North Creek has boldly said and published that he should t ink no more of you than myself for he would have you taken and whipped as soon as any other man and sheckle you had you offered to give out any authority to had them taken for false imprisonment they used me with what are you he says nothing but an old Cherokee Agent and indeed thinks your Honor ought to be taken and whipped and your goods taken from you as you are a giving to the damn'd Indians to kill the Back Woods People. Pray don't take this ill of my acquainting your Honor of the poor insipid fools but to inform you the ill that is in some people and vulgar discourse without Fear or Wit. So no more at present but wishes your Honor well and Humble Servant to Command.

JACOB SOMMERHALL.

[FROM MSS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

To his Excellency William Tryon Esq^r Gov^r of North Carolina, the members of his Majesties Counsel and the House of Burgesses Now mett at Newbern

The Petition of the Inhabitance of the County of Halifax humbly Sheweth that the grait Scarcity of Money laye Us Under Very grait

hardshipe In so much as not to be able to Pay Our Taxes which has been the Real Cause of all the Disturbance that leatly Hapned We therefore Pray that Your Excellency, And Other Branches of the Legislative body would take into Your Mature Consideratione the Deplorable State of the Province And either grant Us An Act of Assembly to make more money or An Act to pay our Taxes in Commodities which would Enable Us to Chearfully pay as Usual; And Your Petitioners as in Duty Bound will Ever Pray

| | | |
|-------------------------------|----------------------------|--|
| Henry Cotes | Solomon Powell | W ^m Clemonds |
| John Brown | Frances Reding | Henry Cavaness |
| Ja ^s Dier | Michel Meley | W ^m Powell Sen ^r |
| John Powell | John Carpenter | Peter Smith |
| William Gardner | Thomas Tayler | John Pots - |
| Thomas Pace | James Haywood | George Zollycoffer |
| James Bloyse | Jonathan Carpenter | Williamson Haile |
| William Powell | W ^m Reding | Aris Stipus Haile |
| John Blanton Jun ^r | Malchisadeck Order | Jonathan Haile |
| Rob ^t Carstarphen | Sanders Reding | John Basford |
| Daniel Crawley | Jo ^s Taler | John Studivan |
| William Trent | Edmund Irby | John Hargrove |
| George Powell | Tho ^s Williams | John Jones |
| John Gray | Israel Parshall | Richard Clayton |
| George Pace | Tho ^s Taler | William Lovell |
| John Myrick | Tho ^s Irby | W ^m Clark |
| John Hubbard | Tho ^s Gardner | Ephraim Knight |
| Absolum Isles | Edw ^d Luntsford | Jesse Pope |
| William Hubbard | Jo ^s Garland | Charles Sanders |
| Reubin Rozar | John Winter | Jh ^s Mills Jun ^r |
| Henry Robinson | Jo ^s Winter | James Stevens |
| W ^m Guthrie | Edw ^d Crossland | W ^m Humphreys |
| | William Rose | |

[B. P. R. O. AMERICA AND WEST INDIES. VOL. 215.]

Letter from the Earl of Hillsborough to Governor Tryon

WHITEHALL 15th Nov^r 1768.

SIR,

Inclosed I send you the King's Speech to His Parliament at the opening of the Session on the 8th instant, together with the Addresses

to His Majesty from both Houses, one of which Addresses passed *unanimè contradiçente*, and the other without a division.

This happy unanimity, and the resolution to preserve entire and inviolate the Supreme Authority of the Legislature of Great Britain over every part of the British Empire, so strongly expressed in these Addresses, will, I trust, have the happy effect to defeat and disappoint the wicked views of those who seek to create disunion and disaffection between Great Britain and Her Colonies, and that all His Majesty's Subjects in America, who wish well to the peace and prosperity of the British Dominions, will give full credit to Parliament for that affection towards the Colonies which appears in their declaration that they will redress every real Grievance of His Majesty's American Subjects, and give due attention to every complaint they shall make in a regular manner, and not founded upon Claims and Pretensions inconsistent with the Constitution.

I have the Pleasure to acquaint you that the Queen was happily brought to bed of a Princess on Tuesday last, and that both her Majesty and the young Princess are as well as can be desired. — I most heartily congratulate you upon this increase of the Royal Family, an Event that affords the greatest satisfaction to all His Majesty's Subjects.

I must not close this Letter without observing to you, that the Affairs of N°. Carolina must, in some degree, necessarily suffer delay and disappointment for want of a regular Agent here duly authorized to act in every case in which the interests of the Colony may be concerned; and therefore I have it in command from the King to signify to you His Majesty's Royal Permission, that you may assent to a Law for raising such a Sum as shall be necessary for supporting such an establishment, provided the Agent be appointed by a Law of Governor, Council, and Assembly, especially passed for that purpose, and not by way of Tack to a Law for other purposes, as has been attempted of late both in N°. Carolina & some other Colonies.

I am &c^a
HILLSBOROUGH.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

SEPTEMBER 20, 1768.

| | | | |
|---|----|----|----|
| To Expenses of Mr Martin----- | £0 | 5 | 8 |
| To 5 Breakfast $\frac{1}{2}$ point Brandy----- | | 6 | 8 |
| To 1 Qt & Thre Gills of Brandy----- | | 3 | 0 |
| To $\frac{1}{2}$ Gallon Brandy $\frac{1}{2}$ Bushel Corn----- | | 4 | 0 |
| To 5 Breakfast one Boal Grog----- | | 4 | 8 |
| To 1 Point Brandy oats for horses----- | | 2 | 0 |
| To Qt Brandy----- | | 1 | 9 |
| To Qt Brandy Qt Sider----- | | 2 | 2 |
| To 1 Loaf Bread 8 ^d 1 point Brandy----- | | 1 | 8 |
| To 5 Breakfast 1 Point Brandy----- | | 5 | 8 |
| To horses Feding----- | | 3 | 9 |
| To 2 Bowles of Tody----- | | 5 | 4 |
| To 3 Gulips----- | | 4 | 0 |
| To Expences----- | | 6 | 8 |
| To 4 Breakfast & Feding horses----- | | 6 | 0 |
| To 1 Qt Rum----- | | 2 | 0 |
| To 1 Qt Brandy & Feding horses----- | | 4 | 5 |
| To Expences----- | | 18 | 0 |
| To Expences Mr Fews----- | 1 | 10 | 8 |
| To Tody & Six y ^{ds} Roap----- | | 2 | 6 |
| To 5 Breakfast $\frac{1}{2}$ point Rum----- | | 5 | 10 |
| | £5 | 5 | 5 |
| To a horse for the preasoner to ride----- | | 10 | 11 |
| To Ten shilling for Ambros harper assistante----- | | 10 | 0 |
| | £6 | 6 | 4 |

Halifax Nov^r 16th 1768 Then the above amount was prov'd before me according to Law by the Oath of Francis Jones.

JN^o THOMPSON

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

By Order of His Excellency Governor Tryon a parcel of Biskets was sent to Hillsborough for the Use of the Volunteers at Hills-

borough last Superior Court by the Subscriber, for which he puts in his amount and demand in the Court of Claims to wit

| | |
|---|----------------|
| The whole Weight of the Biskets 2313 lb at 3 ^d $\frac{7}{8}$ lb----- | £28 15 9 |
| 6 Casks in which the said Biskets were packed----- | 1 16 0 |
| The Carriage of 2 Teams from hence to Hillsborough, from September the 15 th to the 22 ^d both inclusive, at 14 Shillings $\frac{7}{8}$ Day----- | 11 4 0 |
| | <hr/> £41 15 9 |

TRANGOTT BAGGE

Bethabara, November 1st, 1768.

NEWBERN the 23rd November 1768.

The above quantity of Bisket was delivered at Hillsborough the 21st of last September by order of the Governor for the use of the Troops assembled there, and also that the above sum is not charged in the Estimate of the Expenses of the Troops.

J: EDWARDS, P. Sec.

[FROM MS. RECORDS IN OFFICE OF THE SECRETARY OF STATE.]

COUNCIL JOURNALS.

At a Council held at Newbern 24th November 1768

Present

His Excellency the Governor

| | | | | | |
|------------|---|-----------------|------------------|---|----------|
| The Honble | { | James Hasell | William Dry | } | Esquires |
| | | John Rutherford | Robert Palmer | | |
| | | Lewis DeRosset | Benjamin Heron & | | |
| | | John Sampson | Samuel Strudwick | | |

His Excellency was pleased to lay before this Board two Petitions signed by the Speaker, several members of the Assembly, and other principal Inhabitants of this Province in behalf of Samuel Robert Hall, and James Mansfield, two Criminals under sentence of death for counterfeiting the Bills of Credit of this province, and informed the Board that the Chief Justice had recommended them to him as objects of mercy, and therefore required the Opinion of the Board.

The Board taking the same into consideration are unanimously of opinion that it appears the unhappy criminals were seduced and instigated by one John Butcher who appears to be a principal and has made his escape, that they are but young men and of a former good character, His Excellency would be pleased to extend his Majestys most Gracious Pardon to the said Samuel Robert Hall, and James Mansfield—To which His Excellency was pleased to Assent, and Ordered a proclamation issue for the apprehending the said John Butcher, and that ten pounds be offered as a reward.

NORTH CAROLINA

By His Excellency William Tryon Esq^r &c
A Proclamation.

Whereas, I have received information that Samuel Robert Hall and James Mansfield two criminals now under sentence of death and confined in the publick Jail of Craven County for the Counterfeiting the paper Bills of Credit of this province appear to have been seduced and instigated to the Commission of the crime by one John Butcher a Blacksmith who has since made his escape

I have thought proper by and with the advice and consent of His Majestys Council to issue this my Proclamation offering a reward of ten pounds proclamation money to any person or persons that shall apprehend the said John Butcher so that he may be brought to Justice.

Given under my hand and the Great Seal of the said province at New Bern the 28th November 1768 &c

(Signed)

W^m. TRYON.

His Excellency was pleased to qualify the Honble John Sampson one of the Members of His Majestys Council, and Thomas McGwire Esq^r Attorney General to the General Commission of the peace.

His Excellency was pleased to renew the Commissions of Peace for the several Countys of this Province, and Ordered the Secretary issue the same the 30th day of this month.

[N. C. LETTER BOOK S. P. G.]

Mr. Fiske to Governor Tryon.

PASQUOTANK 28th Nov^r 1768.

For, your great benevolence towards me hitherto, I am infinitely obliged and doubt not a continuance of the same kindnesses while I merit them, which I shall never voluntarily neglect. — My situation here in respect to my Salary is very doubtful as the persons of whom the vestry is composed have not, nor will, qualify on purpose to prevent my receiving that, which the Law and the rest of my Parishioners with your Excellency's concurrence proposed for me.

Yours &c.

SAMUEL FISKE.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

COUNCIL JOURNALS.

At a Council held at Newbern 29th November 1768.

Present

His Excellency the Governor

| | | | | |
|------------|---|-----------------|------------------|------------|
| The Honble | { | James Hasell | William Dry | } Esquires |
| | | John Rutherford | Robert Palmer | |
| | | Lewis De Rosset | Benjamin Heron | |
| | | John Sampson | Samuel Strudwick | |

His Excellency laid before this Board a Circular letter from the Earl of Hillsborough bearing date at Whitehall the 30th April 1768 with the several papers and letters mentioned therein relative to the murder of William Odgers one of the Officers of His Majesty's Customs, and desired the Opinion of this Board what measures they would advise for the apprehending Melchisidick Kinsman who murdered the said Odgers.

This Board are of Opinion that a proclamation issue offering a reward of one hundred pounds *pro* to any person who shall apprehend and deliver the said Melchisidick Kinsman to the Keeper of the publick jail at Wilmington or Newbern.

NORTH CAROLINA.

By His Excellency William Tryon Esq^r &c. &c.

A Proclamation

Whereas I have received a letter from the Earl of Hillsborough dated at Whitehall the thirteenth day of April last inclosing me, His Majesty's Commands for the apprehending one Melchisedeck Kinsman, if he may be found within this Province for the murder of William Odgers, one of the Officers of His Majesty's Customs for the port of Penzance in the County of Cornwall; The said Melchisedeck standing charged with violently assaulting and beating the said William Odgers on the seventh day of March last; by means whereof he the said William, Died on the eleventh day of the same month, whereupon the said Melchisedeck fled, and soon after took passage for America in one of the Packetts which then sailed for New York, carrying over with him as is supposed upwards of £800 sterling.

I therefore in obedience to his Majesty's Commands, and by and with the advice of His Majesty's Council, do issue this my Proclamation requiring all His Majesty's Justices of the peace and Sheriffs and other Officers within this Province to do their utmost to apprehend the said Melchisedeck Kinsman who is a well set man, about ---- feet eight inches high, about thirty years of age, florid complexion, his hair light brown, but wore a wig when he left England, And I do hereby promise a reward of one hundred pounds lawful money of the Province aforesaid to be paid to any person or persons who shall apprehend the said Melchisedeck Kinsman within this Province and him convey and deliver to the keeper of the publick jail at Wilmington or New Bern, to the end that he may be brought to Justice.

Given under my hand &c.

(Signed)

W^m. TRYON.

His Excellency laid before this Board an Order from His Majesty in Council dated at the Court at St James the 26th day of February 1768, declaring His Majesty's disallowance of an Act Intituled "An Act to lay a Tax on Pedlars and Itinerant Traders coming into this province."

It is the unanimous opinion of this Board that His Excellency will please to order a proclamation to issue notifying the same.— Ordered that a proclamation issue in the following words, Viz^t.

NORTH CAROLINA.

By His Excellency William Tryon Esq, &c. &c.

A Proclamation.

Whereas I have had transmitted to me by the Earl of Hillsborough an Order from His Majesty in Council dated at the Court at St James the twenty sixth day of February last, repealing an Act of Assembly passed in the year 1767 entitled "An Act to lay a tax on pedlars and other itinerant traders coming into this Province."

I have therefore thought proper by and with the advice of His Majestys Council to issue this Proclamation to notify the repeal of the same, and the same Act from henceforth is hereby repealed, declared void and of none effect.

Given under my hand &c.

(Signed)

W^m. TRYON.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

TO HIS EXCELLENCY WILLIAM TRYON ESQ^o CAPTAIN GENERAL GOVERNOR AND COMMANDER IN CHIEF IN AND OVER THE PROVINCE OF NORTH CAROLINA WITH HIS MAJESTIES HONORABLE COUNCIL AND GENERAL ASSEMBLY NOW SITTING.

Whereas we your Humble Petitioners the Inhabitants of Orange County for the great confidence reposed in you and Being well convinced by many striking proofs especially by the Act of the last General Assembly that your Grand Design and Chief motive is to promote the Tranquility and secure the Interest and property of the whole Community and that your Chief aim is not to promote private but Publick good.

We your Humble Petitioners are therefore emboldened to set forth to your considerations by way of Petition our Humble Desires touching the passing a law whereby every single Justice of the peace may be Impowered to Grant a warrant and give Judgment for the sum of Five pounds Proclamation Money of this Province with Stay of Execution for three months, the Defendant giving Sufficient Security

By virtue of such a Law we humbly conceive that each creditor may as effectually obtain his Right and with much less trouble and cost to himself and Debtor than by Law as now Established and forasmuch as a multiplicity of Business will Consequently lie before

each Justice in this Province we Humbly Submit to your wisdoms to Tax small fees on every proceeding on such warrant as well as for the Justice as Cunstable which may in some Degree be Equivalent to their trouble

And now in Humble Confidence we Rest satisfied knowing that whatsoever appears to you to make most for the Publick good will be done and we your Humble Petitioners as in Duty Bound will ever Pray

| | | |
|---------------------------|----------------------------|--------------------------|
| Alex ^{dr} McBane | John Hennen | William Phillips |
| John Butler | William Jackson | William Trousdale |
| John Holt | Samuel Parks | John Armstrong |
| W ^m Raney | Ja ^s Allison | Ja ^s Wilkins |
| Tho ^s Kennady | William Brakin | John Davidson |
| Christopher Holt | William Wiley | David Hopkins |
| David Philips | William Forbis | W ^m Hopkins |
| Ja ^s Hix | John Murray | James Fruit |
| James M ^c Caul | James Morrow | David Phillips |
| Peter Holt | Conway Flail | Samuel Means |
| William Davis | William Galbreath | William Neill |
| William Oneal | William Peney | Thomas Anderson |
| Henry Soner | And ^a Galbreath | Rob ^t Marley |
| Lewis Simmons | John Rainey | Philip Goodbread |
| John Richards | Ja ^s Harbison | W ^m Roasbrock |
| John Powitt | Hue M ^c Conwell | John Dennis |
| Isaac Low | Pritchard Tropel | |

At a Council held at New Bern 5th December 1768

Present

His Excellency the Governor

| | | | | |
|------------|---|-------------------|---------------|------------|
| The Honble | { | James Hasell | William Dry | } Esquires |
| | | John Rutherford | Robert Palmer | |
| | | Lewis H. DeRosset | John Sampson | |
| | | Benjamin Heron | | |

His Excellency informed this Board that the Business of the present Session of Assembly being concluded, He proposed to prorogue the General Assembly to the 1st day of June 1769, and desired the Opinion of this Board thereon.

It is the unanimous opinion of this Board that the General Assembly be prorogued accordingly, and that a proclamation issue to notify the same in the following words, Viz^t

NORTH CAROLINA

By His Excellency William Tryon Esq. &c.

A Proclamation.

Whereas the Business of this present Session of Assembly is now finished I have thought proper by and with the advice of His Majesty's Council to issue this my proclamation hereby proroguing the said Assembly till the first day of June 1769, then to meet at New Bern for the dispatch of Publick Business

Given under my hand &c.

(Signed)

W^m. TRYON.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Governor Montagu of South Carolina

BRUNSWICK 11th Dec 1768.

I was honored with your Lordships letter at Newbern the 6th instant by express, relative to the extension of a boundary line between the two Carolinas. The line your Lordship proposes and to which you desire my concurrence would if carried into execution be highly injurious to this colony, first by shutting out all its communication of commerce with the western indians, leaving only impassable mountains as was experienced when the western frontier line was run last year, as the barrier between the indians and North Carolina. Secondly, The whole of the western line run at the expence of two thousand pounds would fall in your government. Thirdly, By an Act of the last session of Assembly all that tract of land to the Westward of Catawba river and to the Southward of Rowan county is formed into a county by the name of Tryon county, an inferior court established and provision ordered for erecting a court house, gaol, &c, add to this commissions issued for the justices of the peace and militia officers, and lastly I must beg leave to inform your Lordship that the plan you transmitted with your letter is prodigiously erroneous with respect to the course of the south branch of Catawba river, its real direction is not more by Mr. Churton's map, and every other creditable information, than two or three points to the westward of north, and its branches run far into Rowan county, and is cut off from the Cherokee mountains

by the meanders of Catawba river and the head branches of Broad river; For these and other substantial reasons though my inclination prompts me to comply with your Lordship's request the duty I owe this province forbids my concurrence. Besides I cannot think myself at liberty to vary my solicitation carried home by Mr. Collet that the boundary between these two governments may be extended as I described to your Lordship from where it terminated in 1764 a due west course till it intersected at right angles the line extended between the western frontiers of this province and the Cherokee hunting grounds, and to which I was happy enough in understanding your Lordship that you believed there could be no objection to its continuance.

I thank your Lordship of the appointing two justices so much wanted near the boundary house. The moderation of the Assembly of this province, enabled me to go through a good deal of business and to magnify twenty one Acts. They now stand prorogued to the first of June next.

Captain Collet sailed two days before my arrival here.

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

HENRY EUSTACE McCULLOH Esq.

SIR — The House of Assembly of This Province having Taken into Their Consideration the Expediency of appointing an Agent to Represent them in Great Briton, & to Take Charge of, & Trausmitt Such Concerns & Business as at This Important Crisis may Occasionally offer, Have Sir, from a Through Knowledge of your abilities and a perfect Reliance on the utmost of your Exertions to Serve Them Conferr'd the Trust Incident to Such an Office on You, and further Appointed us a Select Committe to Hold a Correspondance with you & from Time to Time express The Sense of the People in Respect to aney Transactions which they Conceive may be for their Common benifit or Opperate to Their prejudice.

From the Nature Then of our duty we have to Request it may be the principal and first Object of your Concern to assure his Majesty, Ministers & our fellow Subjects on the other side of The Watter that altho' Imputations of Disloyalty may have been Cast on the Inhabitants of this Province in Common with other Americans, Yet they

Disclaim every Thing which hath the Least appearance of Such disloyalty, and have the greatest affection for his Majestys most Sacred Person and the most firm and Invincible Attachment to his Government which at any Time they would be Ready to Preserve and defend at the Expence of all that is dear and Valuable to them in Life: But Sir when they Say in The very Sincerity of Their Hearts thus much, They Cannot Reflect on the discontent which Reigns in the minds of his Majesty's faithfull Subjects within This Province without True Emotions of Sorrow; a discontent Principally occasioned by, and arising from, The Late Imposition of Taxes without The Consent of the people, and the attempt to force them to pay Them which Impositions they Conceive to be Totally Unconstitutional and destructive of the Natural Rights and Priviledges of Mankind before Preserved to Them by the Influence of Salutary and good Laws in the most Sacred manner, and Transmitted to them in the fullest Extent of Purity and Excellence.

They further most Ardently wish and Still hope that The period is not far distant when every kind of discord and distrust Between his Majesty's British and American Subjects shall Vanish and the most Cordial Friendship & Truest Harmony will Take place.

These Sir are the Sentiments of the Good people within this province and as an Effectual Measure to Recommend Themselves to his Majesty's paternal Care they Request They may be by you Communicated to his Majesty, Ministers & British Subjects And That the Inclosed humble and Dutifull Address to His Majesty our most Gracious Sovereign Expressive of Their Thoughts in Respect to the measures pursued Concerning Them and Imploreing his Majesty's most Gracious Care and protection may be by you presented as Soon as possible.

The last Thing Sir which we shall take leave to Recommend to you as the sence of the people and which we doubt not will be Equally pleasing to you as to us, will be on your part a Spirited Co-operation with the Agents of our Sister Colonies and Those who may be disposed to Serve us in Obtaining a Repeal of the Late Act Imposing Internal Taxes on Americans without Their Consent and the Which is Justly Dreaded by Them to be Nothing more than an Introduction to other acts of the same Injurious Tendency and fatel Consequences, and also the act Preventing the Colonies Emitting a

paper Currency without which Repeal it appears Impossible the Taxes growing due can be paid or this Government Supported.

We are with Great Esteem & Regard Sir

Your most Ob^t Servants

JOHN HARVEY

EDWARD VAIL

J. T. MONTFORT

December 12th 1768.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Lord Hillsborough

BRUNSWICK 12th December 1768.

The enclosures are on the subject of a divisional line proposed by Lord Charles Montagu to be run between the two Carolinas: The sketch inclosed is a true copy of one transmitted to me by his Lordship. How very erroneous the south branch of Catawba river is there laid down will evidently appear by Mr Churton's map. I shall now trouble your Lordship with only a few observations, which may I hope, together with the reasons I have stated in my letter to Lord Charles Montagu be sufficient to incline his Majesty to prefer the line I have requested might be extended to compleat the boundaries between these two governments.

1st Should the south branch be made the boundary, it will join South Carolina to Earl Granville's district, and take part of his Lordships lands into the south government, and even then would leave one part of the country as open to both governments as it remains at present, since the head springs of the said south branch are forty or fifty miles to the eastward of the Cherokee mountains. The south government by such a boundary would take from this province independent of what it would rob from Earl Granville's district, a tract of country, now Tryon county, of forty five miles in breadth due north and south and eighty miles due east and west, it having been found to be that distance from Catawba river to the western frontier line which was run last year between the Cherokee hunting grounds and this province.

2^{dly} The Catawba tract of fifteen miles square can be no vast object to either government, as the Catawba indians are not likely to stay on those lands ten years longer the white people continuing

to settle fast quite round them, and the dear and every other species of game being already very scarce.

3^{dly} I am confident ninety in a hundred of the inhabitants of the westward of Catawba river would be very unhappy to be thrown out of this government, they being not only well satisfied with the establishment of judicial courts in this province but actually in possession of many hundred thousand acres of land which have been granted out of the land office here, as will appear by the returns of the patents granted in Mecklenburg county for these several years past, particularly during my administration. This will evidently appear if your Lordship will give yourself the trouble to examine the location of the returns of the patents I have transmitted to your office, with the maps carried home by Captain Collet. They are to be found under the title of Mecklenburg county.

Lastly, As my petition is only for a temporary line, the final boundary may any time hereafter be made at His Majesty's pleasure when the country is better settled or when it may be found expedient to form inferior governments in the colonies. I therefore humbly hope his Majesty will give orders for the line to run from where it stopped in 1764 a west course till it intersects the western frontier line of this province. The western part of this country will then lye between two parallel lines, the one the frontier between us and Virginia, the other the boundary between the Carolinas. The distance between these paralld lines is one degree and an half, that is from 35' 0° to 36' 30° north latitude. These considerations are humbly submitted to his Majesty by my Lord.

Your Lordship's &c.^a

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to the Earl of Hillsborough.

BRUNSWICK the 13th Decemb^r 1768.

I have the honor to inform your Lordship that the General Assembly of this province held the seventh of November last was prorogued the fifth of this month to the first of June 1769.

The temper and moderation of the legislative body enabled me to go through the business of this government, and to pass twenty

one Acts some of them essentially necessary. I shall transmit these Acts, and the Journals of both Houses as soon as I am able to procure them fairly transcribed. I take the liberty in the meantime to inclose my speech and their addresses.

The utmost exertions of my mind have been employed in the conduct of this session. The Assembly have renewed their petition for an emission of currency; a favorable consideration on this particular, will revive my hopes of future success in my administration.

I am &c.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Lord Hillsborough.

BRUNSWICK 15th December 1768.

Extracts from your Lordship's letters 7 and 11 on the subject of application for a fresh emission of paper currency I laid before the House of Assembly last session as will appear in their journals. The moderation of that house with respect to the circular letter (a copy of Which was inclosed in your Lordship's N^o 8) from the Speaker of the House of Representatives of the colony of the Massachusetts Bay addressed by order of that house to the Speaker of the Assembly of each colony upon the continent of North America, made it unnecessary for me to prorogue the Assembly before the business of the session was ended.

Your Lordship's letter 9 with its inclosure concerning the murder of William Odgers, has been laid before the Council, and a proclamation issued for the apprehending of the assassin Melchesedek Kinsman.

The complaints of the commissioners of his Majesty's customs in America, as set forth in your Lordship's circular letters 10 and 15 and his Majesty's royal pleasure signified in those letters shall meet with fullest exertion of my abilities in the support of the officers of the customs and of the acts of trade.

Your Lordships obliging directions for my conduct on Mr Crawford's resignation of the seat in the Assembly came to hand very seasonably. I acquainted several members of the house with it, and by their not renewing their application for a writ, I conclude the House was satisfied their acceptance of Crawfords resignation was

unparliamentary. The other part of your letter 11, must be flattering both to the Council and Assembly of this province. I confess it was most peculiarly grateful to me, as I am ever happy when my conduct stands approved by my royal master.

I shall pay a particular attention to his Majesty's commands communicated to me in your Lordships circular letter 12, with regard to my general instructions, tho' a task of the greatest delicacy; and also endeavour to point out some more effectual mode for the collection of his Majesty's quit rents than is at present in use, both of these objects I shall make my particular business as soon as I have transmitted to your Lordship the Acts and Journals of the last session of Assembly and the particular occurrences of the late disturbances in the province, in which I shall endeavour to give your Lordship every possible information, especially as you signify in your letter N° 17 that it will be very satisfactory to his Majesty to be fully informed of the causes of these disturbances.

Agreeable to the direction in your Lordships circular letter N° 13, I shall transmit my dispatches both originals and duplicates to your Lordships office.

In answer to your Lordships letter 14, I must beg leave to observe I have it not in my power to send my dispatches unless by a chance express to England, by any other channel, than merchant vessels, it being the misfortune of this province to be without the advantage of a general post, or a packet, and as our chief ports are at the distance of one hundred miles from each other, many public occurrences may sometimes reach home before the governor is acquainted with them. I shall however in conformity to your directions be more punctual than I have been this last summer, occasioned by the confusion of the times, and my own sickness.

The honorary testimony you give me in your letter 16, of my attention to the true interest of this colony, and of the satisfaction my conduct has given his Majesty and his subjects here, affords me the highest pleasure, as the very flattering respect you express for me in your letter 17 corresponds with the esteem I shall always wish to cultivate and preserve in your Lordships remembrance.

I confess, my Lord, I feel a consciousness of having answered your letters in too summary a manner, but when I acquaint you that from the 17th of August last to the 10th of this month, I have been with my family but five weeks, two of which I was confined to my bed and was left the other three in so weak a state of health that I

could not apply myself to business; These circumstances which has thrown me so backward in my public correspondence I hope may plead my excuse for answering your Lordships dispatches so generally, especially as every matter directed in them will be executed to the best of my judgment.

I am &c^a

[FROM MS. RECORDS IN OFFICE OF THE SECRETARY OF STATE.]

COUNCIL JOURNALS.

At a Council held at Wilmington 23rd December 1768

Present

His Excellency the Governor.

| | | | |
|--------------|-----------------|----------------|------------|
| The Honble { | John Rutherford | Robert Palmer | } Esquires |
| | Lewis DeRosset | and | |
| | John Sampson | Benjamin Heron | |

The Receiver General having informed this Board, That the Books of Office that did belong to the late Eleazer Allen Esq^r formerly Receiver General, are in the hands of John Rowan Esquire, Ordered That the Secretary write to the said Rowan to deliver to John Rutherford Esq^r Receiver General the said Books, which are Records, and of right belonging to his office.

The Governor laid before this Board the following extracts of a letter from the Earl of Hillsborough dated Whitehall the 21st June 1768 — Viz^t.

“The little improvement which has been made in His Majestys Revenue of Quit Rents notwithstanding the rapid progress of settlement, shows that either the instructions given relative to this object are imperfect or inadequate, or that there has not been sufficient attention given to the due execution of them, and therefore it will be your duty to consider Articles with particular care, and to suggest what shall in your opinion be requisite to give them a greater force and better effect.

(Signed)

“HILLSBOROUGH.”

And His Excellency required the Receiver General, and the Deputy Auditor to give him their reasons respectively in one month,

for the causes of such deficiencies, and also that they do suggest to Him what in their Opinion will be the most effectual methods to answer the purposes as set forth in the above extract.

His Excellency was pleased to qualify Mr John London Deputy Secretary and Deputy Clerk of the Council who took the Oaths required of Publick Officers together with the Oath of Secrecy and subscribed the Test.

Ordered, That the Secretary advertize the Court of Claims to be held in Wilmington on Tuesday the 25th day of April 1769.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to the Earl of Hillsborough.

BRUNSWICK 24th Dec^r 1768.

That his Majesty may be intimately acquainted with the causes of the disorders, as well as the steps that have been taken to quiet the minds of the people and to reestablish the tranquility of this government, herewith transmit your Lordship agreeable to the purport of your letter 17 for his^{Majesty's} information the address and papers, the inhabitants on Haw river in Orange county, delivered to me in Council the 20th of June last with the answer I sent then thereto, as also the correspondence that was subsequent to both: These with the rough journal of my proceedings from the time of the above address coming to me till the insurgents dispersed themselves the 24th of September, and the daily orders, also transmitted, given to the troops assembled at Hillsborough to preserve the public peace, will be the truest vouchers of the state of public discontents in this colony.

To say that these insurgents had not a colour for their shewing a dissatisfaction at the conduct of their public officers would be doing them an injustice for on a prosecution at the Superior Court carried on by the attorney general in the virtue of my directions both the Register and Clerk of the county were found guilty of taking too high fees. It manifestly appearing that Colonel Fanning, the Register, had acted with the utmost candor to the people and that his conduct proceeded from a misconstruction of the fee bill, he was in court honorably acquitted of the least intentional abuse in office Colonel Fanning however immediately after the above verdict

resigned up to me his commission of Register. At the same court three of the insurgents (all that were tried) were found guilty of a riot and rescue and sentenced to a fine and imprisonment as follows:

William Butler to a fine of £50 — and six months imprisonment.

Sam'l Devinney to do £25 — and three months do

Jn^o Philip Hartzo to do £25 — and three months do

The Superior Court being ended and the insurgent all dispersed, I discharged the troops and thought it advisable to release the three prisoners and suspend the payment of their fines for six months, as by the advice of the Council a proclamation of pardon was issued, with some persons excepted, These I imagine will take their trials next March. This lenity had a good tendency, the insurgents finding their ardor opposed and checked and that they were not the masters of government began to reflect that they were misled and in error, and as a proof of their change of disposition they have since permitted the sheriff to perform the duties of his office. Those in Orange County have declared they will pay their taxes as soon as they can get the money. Other parts of the province have been quiet since excepting an attempt made by thirty men from Edgecomb county (while the Assembly was sitting) to rescue one Oueal an insurgent out of Halifax gaol: This body however by the spirit and activity of the townsmen and neighborhood were drove out of town after having many heads broke one horse shot and one of their party taken and put into prison. I will mention another affair which happened in August last, a body of about eighty men came to the court of Johnston County with an intention to turn the Justices off the bench, as had been done in the spring at Anson County court. The Justices thought it prudent, tho' the first day of the court, to adjourn the court for that term, upon the notice of the insurgents approach, they immediately collected some gentlemen and others, who were the friends of government and attacked with clubs the insurgents, and after a smart skirmish drove them out of the field. I am persuaded if I had not had the fortune to stop the mischief that was intended against the town of Hillsborough, and insult to the Superior Court, the civil government of most of the counties in the province would have been overruled; if not overturned, and the door opened for the completion of their intentions, an abolition of taxes and debts, for the insurgents throughout the country only waited to see the event at Hillsborough, Orange county being considered by them as the heart of the strength of their friends, and if they had then try-

umphed, thousands would have declared for them and stood up in defiance of the laws of this country.

If your Lordship should require any further satisfaction as to the late disturbances than what is transmitted with this letter, Captain Collet who was present at Hillsborough in quality of my *Aid de Camp* can give your Lordship information of every particular of that service. It is with pleasure I can assure his Majesty not a person of the character of a gentleman appeared among these insurgents. Harmon Husbands appears to have planned their operations. He is of a factious temper and has long since been expelled from the society of the Quakers for the immorality of his life. I beg leave to submit to his Majesty whether his extending the proclamation of pardon and making it general, (Harmon Husbands their principal only excepted) both with respect to persons and fines, as I have only a power of suspension in the latter case, may not be admissible in the present circumstances of the country. The gaols through the whole province (Halifax excepted) are so miserably weak it is a prisoner's own choice if he stays to take his tryal, unless there is a special guard to prevent his escape.

I have only to add that the troops employed on this occasion were extremely steady in the cause of government, orderly and regular in the discharge of their duty. His Majestys presbyterian subjects, as well as those of the church of England, showed themselves very loyal on this service, and I have a pleasure in acknowledging the utility that the presbyterian ministers' letters to their brethren had upon the then face of public affairs, when every man's affections seemed to be tainted with the poison of the insurgents. The Rev^d Mr Micklejohn's sermon inclosed will testify his assiduity in this cause.

I can with great integrity declare that I never experienced the same anxiety and fatigue of spirits as I did last summer in raising and conducting the troops. If the motive and issue meets with his Majesty's gracious approbation it will be a great consolation to

My Lord, your Lordships, &c.

[FROM TRYON'S LETTER BOOK.]

Letter from Governor Tryon to Earl Hillsborough

BRUNSWICK 26th Dec^r 1768

I have the honor herewith to transmit to your Lordship a general return of the strength of the troops assembled at Hillsborough to preserve the public peace Also a general account of the expences incurred for the same, and allowed by the General Assembly. This estimate falls short eleven hundred and thirty four pounds seven shillings and five pence of the one I laid before the House of Assembly, occasioned by the House lessening the daily pay of both officers and men from what I had stated them. The pay of the officers I had fixed equal to the subsistence only of the Majesty's regular forces agreeable to their respective ranks, and the men at two shillings eight pence per day, the same that was allowed to the troops last year in running the western frontier line. The pay of the troops by the enclosed general account stands, Viz^t,

| | proc. | | proc. |
|-------------------------|-------|------------------------------|-------|
| Colonel..... | 7 6 | Clerk | 4 0 |
| Lientenant Colonel..... | 7 6 | Sergeant..... | 4 0 |
| Major | 7 6 | Corporal..... | 3 0 |
| Captain..... | 6 8 | Adjutant..... | 2 0 |
| Lieutenant | 6 0 | and | |
| Ensign..... | 6 0 | Private man..... | 2 0 |
| | | I am my Lord &c ^a | |

[B. P. R. O. AMERICA & WEST INDIES. N. CAROLINA. No. 216.]

General Account of the Expenses incurred by the Pay, subsistence and contingent charges of the Troops under His Excell^{ty's} command at Hillsborough in September 1768—allowed by the General Assembly of North Carolina.

| | |
|---|----------|
| To the pay of the Orange Battalio from 21 st Sept ^r to 1 st October inclusive..... | £ 832 10 |
| To d ^o of Granville Batt ⁿ from 19 th Sep: to 1 st October inclusive..... | 209 10 |
| To d ^o of Rowan Batt ⁿ from 12 th Sept ^r to 9 th October inclusive..... | 758 11 4 |

| | | |
|---|------------------|------|
| To d ^o of Mecklenburg Batt ⁿ from 11 th Sept ^r to 11 th October inclusive----- | £1246 | 7 |
| To Thomas Hart Commissary of the Orange & Granville Batt ⁿ ----- | 250 | 8 |
| To Hugh Montgomery Commissary of the Rowan Batt ⁿ ----- | 345 | 2 |
| To Moses Alexander Commissary of the Mecklenburg Battalion----- | 608 | 2 6 |
| To Colonel Robert Harris for Contingencies to the Granville Battalion----- | 34 | 14 2 |
| To Contingences for the Orange Batt ⁿ & Pay & Subsistence to the men employ ^d in throwing up redoubts--- | 331 | 10 1 |
| To pay & Contingencies for the Artillery Company---- | 46 | 3 4 |
| To d ^o Light Dragoons----- | 64 | 13 4 |
| To Adjutant General twenty eight days at 7 6. per day- | 10 | 10 |
| Ammunition & Contingencies for the Rowan Battalion- | 56 | 14 8 |
| Ammunition & Contingencies for the Rowan Battalion- | 8 | 12 |
| Forty hundred of Biscuit delivered at Hillsborough--- | 42 | |
| | <hr/> £4844 19 3 | |

NORTH CAROLINA.

A General Return of the Troops assembled under His Excellency's Command. Hillsborough Camp 22nd September 1768.

| OF WHAT CORPS OR BATTALION. | COMMISSIONED OFFICERS | | | | | | | | STAFF OFFICERS. | | | | NON COM: OFFICERS. | | | | | | | TOTAL OFFICERS AND MEN. | | |
|-----------------------------|-----------------------|------------|-----------|-------------|--------|-----------|--------------|----------|-----------------|--------------|------------------|----------|--------------------|-----------|-------------|-------|--------|-----------|-----------|-------------------------|----------|-------------|
| | Lieut. Gen. | Major Gen. | Colonels. | Lieut. Col. | Major. | Captains. | Lieutenants. | Ensigns. | Adj. Gen. | 2 Aids de C. | Major of Brigade | Chaplain | Surgeons | Adjutants | Quar. Mast: | Clerk | Scouts | Sergeants | Corporals | | Drummers | Private Men |
| For the Army. | 6 | 2 | | | | | | | | 3 | 2 | 1 | 2 | | 1 | 9 | 2 | 29 | 18 | 2 | | |
| Orange Battalion | | | 1 | 1 | 1 | 13 | 11 | 11 | | | | | | | 1 | | | | | 4 | | 602 |
| Granville d° | | | 1 | 1 | 1 | 4 | 4 | 4 | | | | | | 1 | | 1 | | 9 | 6 | 4 | | 90 |
| Rowan d° | | | 1 | 1 | 1 | 6 | 6 | 6 | | | | | | 1 | 1 | | | 13 | 6 | 6 | | 147 |
| Mecklenb ^g d° | | | 1 | 1 | 1 | 7 | 8 | 8 | | | | | | 1 | 1 | | | 15 | 7 | 7 | | 253 |
| Artillery Company | | | 1 | 1 | 1 | 1 | 1 | | | | | | | | | | | | | | | 19 |
| Light Infantry | | | 1 | | | | | | | | | | | | | | | | | | | 13 |
| Light Dragoons | | | 1 | | | | | | | 1 | | | | | | | | | | | | 29 |
| Total of each Ranks. | 6 | 2 | 7 | 5 | 4 | 31 | 30 | 29 | | 4 | 2 | 1 | 2 | 4 | 2 | 10 | 2 | 66 | 37 | 19 | 1 | 153 |
| | | | | | | | | | | | | | | | | | | | | | | 1461 |

(Signed)

ROBERT PALMER Adj: Gen:

[FROM MS. RECORDS IN OFFICE OF SECRETARY OF STATE.]

LEGISLATIVE JOURNALS.

NORTH CAROLINA—SS

At an Assembly begun and held at New Bern the 30th day of October in the year of our Lord 1766 and continued by several adjournments and prorogations until the 7th day of November 1768 and in the 9th year of the reign of our Sovereign Lord George the third by the Grace of God of Great Britain &c^a being the third Session of the Assembly &c^a

In the upper House.

Present,

| | | | | |
|------------|---|-----------------|-------------------------|---|
| The Honble | { | James Hasell | Will ^m Dry | } |
| | | Alex McCulloch | Benj ^a Heron | |
| | | Robt Palmer | and | |
| | | John Rutherford | Saml Strudwick | |

His Excellency the Governor came to this House and was pleased to command the immediate attendance of the Speaker and Assembly in the upper House who attended and then His Excellency was pleased to deliver to both Houses the following Speech, Viz^t.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL MR SPEAKER AND
GENTLEMEN OF THE ASSEMBLY,

Desirous as I am at all times to consult you for the good of his Majestys service, and the prosperity of his Subjects, I particularly meet you at this Season, from the necessity there is, that you should be informed of the late disturbances in the back frontier settlements of this Province, at the same time that I recommend to you to adopt such measures, as in your wisdom you shall find necessary to stop the present, and prevent for the future, those licentious and tumultuous Meetings that have been so frequently held, by a large body of Insurgents in those parts, Insurrections, destructive of the good order of Government and dangerous to the Constitution of this Country.

That you may receive the fullest information of the principles and proceedings of these men and the motives that compelled me to raise and march a body of militia into Hillsborough to oppose their declared intentional outrages, I shall lay before you the several petitions, paper, and Addresses they sent me, with my answers, and the requisitions I made them, the manner in which they assembled

themselves near the Town, at the opening of the last Hillsborough Superior Court, their number and behaviour, together with the proceedings and issues of the Court relative to them, and their complaints, I desire may be related to you by such gentlemen of your respective Houses who honored me with their personal services at that critical time and who were witnesses to those transactions while I was confined by sickness.

Here permit me, in justice to the commendable conduct, as well as spirited inclinations of both officers and men Gentlemen volunteers who at their own expence assembled to preserve the peace, to express the grateful sentiments I now feel, and shall ever retain, for their loyal and public services on that occasion, I persuade myself every well wisher to the happy constitution with which this country is blessed will sensibly experience these sentiments, surely it must be a pleasing circumstance to every honest mind, to reflect on the grateful testimony they have given of their affection for the public welfare by turning out volunteers in protection of the liberties and Laws of their Country. The happy effects and success which resulted from such a conduct are manifested by the event.

Should it appear upon enquiry that the inhabitants labour under actual grievances not within the remedy of the Law in force you will find me most heartily inclined to coöperate with you to the utmost of my power for their relief; and if there appears any real foundation of complaint beyond the extension of my instructions, I will most cheerfully represent the nature of them Home that his Majesty in his great wisdom may apply the proper remedy. This is a duty which his Majesty requires of me, therefore I shall execute it with a double satisfaction, in the meantime I have an entire confidence that by the spirit and prudence of your Councils, by the firmness and stability of your resolutions the public officers of Government will be encouraged and protected in the legal execution of their offices, so as effectually to prevent any repetition of the contempt rescues and insults they have of late experienced in many parts of this Country.

An Act passed in this Province in May 1765 for establishing an orthodox clergy, having received the King's approbation I have it in command from his Majesty to recommend to you to pass an Act explanatory of the aforementioned Act, as no provision is made therein for supporting such clergymen as may be appointed to officiate during the suspension of any Minister from serving the Cure

of such Parish whereof he was incumbent. His Majestys instructions to me which I shall send you will more fully set forth his royal intention on that head and I trust will chearfully prompt you to acquiesce therein.

Your Petition by a Committee of both Houses for a fresh emission of paper Bills of credit, with a legal tender, has been laid before the King, and I am authorized to inform you, as the power of creating paper currency to be a legal tender is retained by Act of Parliament, the Crown cannot exercise its discretion on that occasion; I will communicate to you a copy of what the Earl of Hillsborough has further wrote to me upon that subject.

Gentlemen of the House of Assembly, I shall lay before you as soon as possible the estimate of the expences of the Militia forces raised, and incidental charges incurred for the security of the public peace of the province. The pay of the Officers and men is charged agreeable to what was granted last year to the troops that attended the running of the Western frontier Line.

This service I beg leave warmly to recommend to you as the first object of your attention and earnestly solicit you to make immediate provision for the same, as any delay in the payment would deprive many men of the reward of their faithful services, by reason of the great migration among the back settlers.

An enquiry into the state of your public funds continues with you an object of momentous concern. It is not the labour of one session, but of many to bring the public Accounts into a proper arraignment and order. You laid the foundation of these enquiries last session and by your perseverance the desirable end is only to be obtained

A provision of powder and lead for His Majestys service for the defence of this Province is so extremely requisite on any sudden emergency that on your reconsidering its real importance, and the application I made to you for such a preparation last meeting, I am inclined to hope, will now induce you to make provision for these Articles

Gentlemen of his Majestys Honble Council Mr Speaker and Gentlemen of the House of Assembly. As the interior Policy of this Country was never more an object of serious concern to the public than at present, I most cordially wish by a continuance of harmony and unanimity among the several branches of the Legislature, such wholesome Laws and Regulations may be framed as will effectually

establish the peace and protect the prosperity of the Inhabitants of this Country on a solid and secure foundation. I have only to offer on my part my best intentions and inclinations for the felicity of this Country. As long as his Majesty is graciously pleased to distinguish me by the honorable station he has here placed me in, I shall on all occasions by the strenuous exertions of my abilities endeavour to convince you in sickness or in health that to be steady in the support and vindication of his Majestys Government, and the true interest of this Colony are the ruling principles of my heart.

(Signed) W^m. TRYON

On motion His Excellency's Speech was read and taken under consideration and thereon ordered that the Honble Robert Palmer and Samuel Strudwick Esq^{rs} be and they are accordingly appointed a Committee of this House to prepare an Address in answer to His Excellencys Speech.

Then the House adjourned till 10 o'clock tomorrow [Wednesday] morning.

Wednesday Morning 9th November 1768

The House met according to adjournment

Present as before.

Then the House adjourned till tomorrow morning 10 o'clock

Thursday Morning 10th November 1768

The House met according to Adjournment.

Present as before.

The Committee appointed to prepare an Address in Answer to His Excellency's Speech reported that they had prepared the same which was laid before the House and ordered to be read.

The same was accordingly read and approved of and ordered that it stand the address of this House and be entered on the Journal thereof as follows, Viz^t.

TO HIS EXCELLENCY WILLIAM TRYON ESQUIRE HIS MAJESTY'S
CAPTAIN, GENERAL, GOVERNOR AND COMMANDER IN CHIEF IN
AND OVER THE PROVINCE OF NORTH CAROLINA.

The Humble Address of His Majesty's Council of the said Province.
MAY IT PLEASE YOUR EXCELLENCY,

We his Majesty's most dutiful and loyal Subjects Members of His Council beg leave to return your Excellency our unfeigned thanks

for calling us together so early in the Season to communicate to us the late disturbances in the back Frontier Settlements of this Province, and the measures you have taken for suppressing them in time and preventing the flame of civil discord from spreading through and perhaps desolating every part. It would affect us with inexpressible concern to contemplate the picture of distress in which a great part of this Province was so lately involved, if the view did not terminate in a brighter prospect; and instead of the anarchy and confusion which at first present themselves we were not cheered with the pleasing representation of public tranquility restored; peace and order reestablished; and Justice unawed by popular clamor again dealing forth her sacred and impartial dispensations. That the scene is thus changed to our advantage is owing to the wise and vigorous measures your Excellency adopted; It now becomes our business, in no less than it is our duty and inclination to concur with the other branch of the Legislature in perfecting the good work your Excellency have so happily begun, in pursuing such measures as upon the maturest consideration shall be found most expedient to enable public officers to discharge their duty with security to themselves, and benefit to the community, and in providing for the tranquility of the Country in so effectual a manner as may put it out of the power of busy and seditious spirits to disturb it with impunity for the future; And that we may with the greater certainty attain these desirable purposes, We will minutely inquire into the most remote causes of the late disorders, that we may apply the most effectual remedy if it lies within our reach; If not, that we may through your Excellency's representation to His Majesty obtain it from the Throne.

As the dangerous illness with which you were lately attacked, the consequence of your fatigue and solicitude for the welfare of this Colony filled us with the most melancholy apprehensions, we beg leave to testify our joy on the restoration of your health; and to assure you that we consider it as a pledge of the Divine favour to this Province that we were not deprived of a life so useful to the public at that very critical and important juncture. We sincerely sympathize with you, sir, in every generous inclination to promote the good of our Country; our hearts glow with the same patriotic sentiments, which you so kindly express and which confirmed by your actions, eminently distinguish your Excellency's administration.

Then the House adjourned till 10 o'clock tomorrow morning.

Friday Morning 11th November 1768.

The House met according to adjournment.

Present as before.

Then the House adjourned till 10 o'Clock tomorrow morning.

Saturday Morning 12th November 1768

The House met according to adjournment.

Present as before.

Then the House adjourned till 10 o'Clock Monday Morning.

Monday Morning 14th November 1768.

The House met according to adjournment.

Present

| | | | |
|--------------|--------------------|-------------------------|------------|
| The Honble { | Jas Hasell | Rob ^t Palmer | } Esquires |
| | Lewis DeRosset | and | |
| | W ^m Dry | Benj ^a Heron | |

Received from the Assembly p Mr Polk and Mr Rutherford A Bill for establishing a Town in Mecklenburg County

Received from the Assembly by Mr Brickell a Bill for dividing the County of Mecklenburg and other purposes

Then the House adjourned till 10 o'Clock tomorrow morning.

Tuesday Morning 15th November 1768

The House met according to adjournment

Present as before.

This House waited on His Excellency the Governor and by the Honble President Hasell presented him with their Address to which his Excellency was pleased to return the following Answer
Viz^t

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL.

I thank you for your Address The Honorable testimony you give me of my late conduct afforded me a most sensible satisfaction, as the solicitude you express to have felt for the issue of my last sickness is a fresh mark of your concern for my welfare. Happy shall I really be, if the preservation of my life, under providence can be directed to any beneficial purposes to society

The laudable resolution you have taken to examine minutely into the causes of the late disturbances in the Country and your readiness in union with the other branch of the Legislature to pro-

vide the proper remedies, is strictly agreeable to that vigilant attention I have always experienced in your Councils, for the true interest of your King and Country, a Conduct which in the present Crisis cannot fail to give the happiest turn to the public affairs of this Colony.

Signed — W^m. TRYON

Then the House adjourned till 10 o'clock tomorrow morning.

Wednesday Morning 16th November 1768

The House met according to Adjournment.

Present as before.

Received from the Assembly by Mr Haywood and Mr Spiers a Bill to provide a fund for defraying the public debts due from the public of this Province, read the first time and passed.

Received from the Assembly by Mr Harris and Mr Knox the following Bills Viz^t

A Bill for erecting part of Rowan and part of Orange County into a separate County by the name of ----- and Parish of ----- and other purposes.

A Bill to direct Sheriffs in levying executions, and the disposal of lands goods and chattles taken thereon.

A Bill for preventing the frequent abuses in taking up and secret- ing of stray horses in the Counties therein mentioned.

A Bill for rating the several species of foreign coin therein men- tioned and making the same a tender in all payments.

Then the House adjourned till 10 o'clock tomorrow morning.

Thursday Morning 17th November 1768.

The House met according to adjournment

Present

| | | | | |
|------------|---|--------------------|-------------------------|-------------|
| The Honble | { | Jas Hasell | Robt. Palmer | } Esquires. |
| | | John Rutherford | Benj ^a Heron | |
| | | Lewis DeRosset | and | |
| | | W ^m Dry | Samuel Strudwick | |

On motion the following Bills were ordered to be read Viz^t

A Bill to direct Sheriffs in levying executions and the disposal of lands goods and chattels taken therein, read the first time and passed

A Bill for rating the several species of foreign coin therein mentioned and making the same a tender in all payments, read the first time and passed.

A Bill for establishing a Town in Mecklenburg County, read the first time and passed.

A Bill for dividing the County of Mecklenburg and other purposes, read the first time and passed.

A Bill for erecting part of Rowan and part of Orange County into a separate County by the name of ----- and Parish of ----- and other purposes, read the first time and passed.

A Bill for preventing the frequent abuses in taking up and secreting of stray horses in the Counties therein mentioned, read the first time and passed.

Then the House adjourned till 10 o'clock tomorrow morning.

Friday Morning 18th November 1768.

The House met according to adjournment.

Present

| | | | | |
|------------|---|----------------|----------------------------|------------|
| The Honble | { | James Hasell | John Rutherford | } Esquires |
| | | Lewis DeRosset | John Sampson | |
| | | William Dry | Robert Palmer | |
| | | Benjamin Heron | Sam ^l Strudwick | |

Received from the Assembly by Mr Shepard and Mr Brickell, A Bill to amend and explain an Act Intituled an Act for dividing this Province into six several Districts and for establishing a Superior Court of Justice in each of the said Districts and regulating the proceedings therein and for providing adequate salaries for the Chief Justice and Associate Justices of the said Superior Courts, On motion read the first time and passed.

Received from the Assembly p. Mr Shepard and Mr Cray the following Message Viz^t

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL

This House have appointed Mr Richard Caswell Mr Samuel Burton Mr William Haywood Mr Thomas Loyd, Mr William Bartram, Mr John Barron, Mr Felix Kenan Mr Jacob Blount, Mr Samuel Spencer, Mr Edward Vail and Mr James Blount a Committee to settle and allow the public claims of this Province and Mr Harnett, Mr Hewes, Mr Johnston, Mr Fanning, Mr Harris, Mr Person, Mr Dawson, Mr Cray, Mr Simpson and Mr Knox are appointed a Com-

mittee of this House to state and settle the Public Accounts of this Province in Conjunction with such of your House as you shall think proper to appoint

JOHN HARVEY Speaker

By order W^m. HERRITAGE Clk.

7th November 1768.

Received from the Assembly the following Bills p. Mr Kenan and Mr Bryan,

A Bill for dividing the County of Mecklenburg and other purposes, On motion read the second time amended and passed.

A Bill for establishing a Town in Mecklenburg County, On motion read the second time amended and passed,

A Bill for the encouragement of an iron manufacture within this Province, On motion read the first time and passed,

A Bill for appointing commissioners to build a prison, pillory, and stocks on the lot whereon the Court House now stands in Duplin County, On motion read the first time and passed.

Then on motion the following Message was ordered to be sent to the Assembly Viz^t

In answer to your Message relative to the Committees We have appointed the Honble John Rutherford William Dry Robert Palmer and Samuel Strudwick Esqs a Committee of this House to examine, state and settle the public Accounts, And the Honble Lewis DeRosset, John Sampson and Benjamin Heron Esq^{rs} a Committee of this House to settle and allow the public claims.

In the upper House, 18th Nov 1768.

Received from the Assembly the following Bills p. Mr Blount and Mr Dawson,

A Bill for erecting part of Rowan County and part of Orange County into a separate County by the name of ----- and Parish of ----- and other purposes,

A Bill to continue an Act Intituled An Act concerning of vestries, On motion read the first time and passed,

A Bill for preventing the frequent abuses in taking up and secreting of stray horses in the Counties therein mentioned.

Then the House adjourned till 10 o'clock tomorrow morning.

Saturday Morning 19th November 1768.

The House met according to adjournment

Present as before.

Received from the Assembly the following Bills, to wit,

A Bill for rating the several species of foreign coin therein mentioned and making the same a tender in all payments,

A Bill for appointing Commissioners to build a prison, pillory and stocks on the lot whereon the Court House now stands in Duplin

A Bill to amend and continue an Act Intituled an Act concerning of Vestries

A Bill for the encouragement of an iron manufacture within this Province

A Bill to direct Sheriffs in levying executions and the disposal of lands goods and chattels taken thereon.

A Bill to enlarge the time for Sheriffs to settle their Accounts with the Justices of the Inferior Courts of Pleas and Quarter Sessions of the Counties therein mentioned, On motion read the first time and passed.

A Bill to encourage the importation of British Copper half pence and for making them a tender for the payment of small debts, On motion read the first time and passed.

A Bill to continue an Act Intituled an Act to amend an Act for the regulation of the Town of Wilmington. On motion read the first time and passed.

Then the House adjourned till 10 o'clock Monday Morning.

Monday Morning 21st Nov. 1768

The House met according to adjournment.

Present as before.

On motion the following Bills were ordered to be read viz^t.

A Bill to amend and continue an Act concerning of Vestries, On motion read the second time amended and passed.

A Bill for erecting part of Rowan County and part of Orange County into a separate county by the name of ----- and Parish of ----- and other purposes, On motion read the second time amended and passed.

A bill for appointing Commissioners to build a prison, pillory and stocks on the lot whereon the court house now stands in Duplin county, On motion read the second time amended and passed.

A Bill for preventing the frequent abuses in taking up and secreting of stray horses in the Counties therein mentioned, On motion read the second time amended and passed.

Then the House adjourned till 10 o'clock tomorrow morning.

Tuesday Morning the 22^d November 1768.

The House met according to adjournment.

Present as before.

Received from the Assembly the following Bills, to wit,

A Bill to relieve such persons who have purchased lands sold by execution and have not obtained titles for the same, On motion read the first time and passed.

A Bill for the more easy and speedy recovery of small debts and other purposes, On motion read the first time and passed.

A Bill for establishing a Militia in this Province, On motion read the first time and passed.

A Bill to expedite the collecting public taxes defraying the charges of Government and other purposes, On motion read the first time and passed.

A Bill to amend an Act for establishing public warehouses in the Towns of Halifax and Campbelton for the inspection of hemp and flax and other purposes, On motion read the first time and passed.

A Bill for preventing the frequent abuses in taking up and secreting of stray horses in the counties therein mentioned.

A Bill to enlarge the time for Sheriffs to settle their Accounts with the Justices of the Inferior Courts of Pleas and Quarter Sessions of the Counties therein mentioned, On motion read the second time and passed.

A Bill for establishing a Town in Mecklenburg County, On motion read the third time and passed. Ordered to be engrossed.

A Bill for dividing the County of Mecklenburg and other purposes, On motion read the third time and passed. Ordered to be engrossed.

A Bill for vesting the school house in Edenton in Trustees, On motion read the first time and passed.

A Bill to continue an Act, Intituled an Act to amend an Act for the regulation of the Town of Wilmington, On motion read the second time amended and passed.

A Bill for establishing a Town on the Lands of Benjamin Wynns on Chowan River, On motion read the first time and passed

A Bill to encourage the importation of British copper half pence and for making them a tender for the payment of small debts, On motion read the second time amended and passed.

Received from the Assembly by Mr Bryan and Mr Hardy the following Bills Viz^t

A Bill for destroying crows and squirrels in the several Counties therein mentioned, On motion read the first time and passed.

A Bill for erecting the lower part of Orange and upper part of Johnston Counties into one distinct County and Parish and for adding part of Dobbs County to Johnston County. On motion read the first time and passed.

On motion the Bill to direct Sheriffs in levying executions and the disposal of lands goods and chattles taken thereon, was read the second time amended and passed.

On motion the Bill for the encouragement of iron manufactures within this Province, was read the second time amended and passed.

Then the House adjourned till 10 o'clock tomorrow morning.

Wednesday Morning 23rd Nov. 1768.

The House met according to adjournment.

Present as before

Received from the Assembly the following Bills p. Mr Howe and Mr Hewes and message

A Bill concerning free negroes in this Province, On motion read the first time and passed.

A Bill altering the times of holding the Inferior Court of the Counties therein mentioned, On motion read the first time and passed

A Bill for vesting the school house in Edenton in Trustees, On motion read the second time and amended and passed.

A Bill to amend and explain an Act Intituled an Act for dividing this Province into six several Districts and for establishing a Superior Court of Justice in each of the said Districts &c^a. On motion read the second time amended and passed.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL.

This House have Resolved that a Captain Commandant appointed by His Excellency of fifteen men be employed to Garrison Fort Johnston and that the said Captain be allowed six shillings and eight pence p. day and each man one shilling and four pence p. day

and eight pence p. day for subsistence to continue for one year and to the end of the next session of Assembly to which we desire your Honors Concurrence.

JOHN HARVEY Speaker

By order W^m. HERRITAGE Clk
Nov 22nd In the Assembly.

23rd November 1768. In the upper House concurred with.

J. HASELL P. C.

Received from the Assembly by Mr Shepard and Mr Branch the following Bill and Message, Viz^t

A Bill to amend the several Acts for regulating the Town of New Bern. On motion read the first time and passed.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House herewith send you the petition of Joseph Kukland which we have taken under consideration, and Resolved the said Joseph Kukland be allowed one hundred pounds for his service in the said petition mentioned and for his expences incurred about the same and desire your Honors concurrence to the said Resolve.

JOHN HARVEY Speaker

By order W^m. HERRITAGE Clk.
23rd Nov 1768

In the upper House the above Resolve was taken into consideration and concurred with

J. HASELL P. C.

Received from the Assembly by Mr Kenan and Mr Spencer the following Bills Viz^t.

A Bill for appointing Commissioners to build a prison, pillory and stocks on the lot whereon the court house now stands in Duplin County, On motion read the third time and passed. Ordered to be engrossed.

A Bill for erecting part of Rowan County and part of Orange County into a separate County by the name of Bedford County and Trinity Parish and other purposes.

A Bill to direct Sheriffs in levying executions and the disposal of Lands goods and chattels taken thereon.

A Bill for the encouragement of iron manufactories within this Province

Then the House adjourned till tomorrow morning 10 °Clock.

Thursday Morning 24th November 1768

The House met according to adjournment

Present as before.

Received from the Assembly the following Bills Viz^t

A Bill for granting to His Majesty a duty upon the tonage of ships and other vessells coming into this Province, for the purposes therein mentioned, On motion read the first time and passed

A Bill to amend and explain an Act Intitled an Act for establishing an orthodox Clergy, On motion read the first time and passed.

A Bill for the more easy and speedy recovery of small debts and other purposes.

A Bill for declaring certain lots in the Town of New Bern taken up by the Trustees for promoting the public school in the said Town saved and improved according to Law; and to impower the said Trustees to collect the subscriptions due for the said school, On motion read the first time and passed.

A Bill to expedite the collecting public taxes defraying the charges of Government and other purposes.

A Bill to amend an Act Intitled an Act concerning Marriages, On motion read the first time and passed

A Bill for erecting the lower part of Orange and upper part of Johnston Counties into one distinct County and Parish and for adding part of Dobbs County to Johnston County, On motion read the second time amended and passed.

Then the House adjourned till 9 °Clock tomorrow morning.

Friday Morning 25th November 1768

The House met according to adjournment.

Present as before.

Received from the Assembly p. Mr Phifer and Mr Rutherford the following Bills Viz^t,

A Bill for Triennial Assemblys in this Province, On motion read the first time and passed.

A Bill to amend and continue an Act Intitled an Act concerning of Vestries.

A Bill for destroying crows and squirrels in the several counties therein mentioned.

A Bill to amend an Act Intituled an Act to restrain the keeping of too great a number of horses and mares in the County therein mentioned and for amending the breed, On motion read the first time and passed.

A Bill for establishing a Militia in this Province.

A Bill to amend an Act Intituled an Act to prevent the exportation of unmerchantable commodities, On motion read the first time and passed.

A Bill to amend an Act for establishing public warehouses in the Towns of Halifax and Campbellton for the inspection of hemp and flax and other purposes, On motion read the second time and passed.

A Bill to amend an Act Intituled an Additional Act to an Act Intituled an Act to prevent killing deer at unseasonable times and for putting a stop to many abuses committed by white persons under pretence of hunting, On motion read the first time and passed.

On motion ordered the following Message be sent to the Assembly, Viz^t,

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

The Bill to expedite the collecting public taxes defraying the charges of Government and other purposes at present before us being intended to provide for the security or discharge of the debts due from the Public,

This House is of opinion that previous to the taking the said Bill into consideration, It will be necessary to ascertain and have before them a state of the several debts actually due and intended to be secured or discharged in the manner therein proposed.

By order J. B. Clk.

25th Nov. 1768. In the upper House.

Received from the Assembly p. Mr Phifer and Mr Rutherford the following Bills Viz^t

A Bill to amend an Act Intituled an Act concerning Marriages, On motion read the second time and rejected.

A Bill for vesting the school house in Edenton in Trustees.

A Bill for establishing a Town on the lands of Benjamin Wynns on Chowan River, On motion read the second time and passed.

A Bill to relieve such persons who have purchased land sold by execution and have not obtained titles to the same, On motion read the second time amended and passed.

A Bill to encourage the importation of British copper half pence and for making them a tender for the payment of small debts.

A Bill for declaring certain lots in the Town of New Bern taken up by the Trustees for promoting the public school in the said Town &c^a. On motion read the second time and passed.

Received from the Assembly the following Message and Bills p. Mr. Spencer and Mr Ward, Viz^t

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House have received your Message of this day, and in answer thereto must assure your Honors, We have much at heart the Bill to expedite the collecting public taxes defraying the charges of Government and other purposes; and should be glad you would as soon as possible satisfy yourselves; in the points you think necessary to have ascertained before you enter into the consideration of that Bill.

JOHN HARVEY Speaker.

By order W^m. HERRITAGE Clk.
25th Nov. 1768.

A Bill to amend and explain an Act Intituled an Act for establishing an Orthodox Clergy, On motion read the second time and passed.

A Bill for triennial Assemblies in this Province, On motion read the second time and passed.

A Bill to amend an Act Intituled an Act to restrain the keeping of too great a number of horses and mares and for amending the breed.

A Bill to amend an Act Intituled an Additional Act to an Act Intituled an Act to prevent killing deer at unseasonable times and for putting a stop to many abuses committed by white persons under pretence of hunting and other purposes.

A Bill to continue an Act Intituled an Act for the regulation of the Town of Wilmington.

A Bill to enlarge the time for Sheriffs to settle their Accounts with the Justices of the Inferior Courts of Pleas and Quarter Sessions of the Counties therein mentioned.

A Bill to amend and explain an Act for dividing this Province into six several Districts and for establishing a Superior Court of Justice in each of the said Districts &c^a.

Then the House adjourned till 9 °Clock tomorrow morning.

Saturday Morning 26th November 1768.

The House met according to adjournment

Present as before.

Received from the Assembly the following Bills Viz^t, p Mr Bryant and Mr Hardy,

A Bill for erecting the lower part of Orange and upper part of Johnston County into one distinct County and Parish and for adding part of Dobbs County to Johnston County.

A Bill to relieve such persons who have purchased lands sold by execution and have not obtained titles to the same.

A Bill for establishing a Town on the lands of Benj^a Wynns on Chowan River.

A Bill for declaring certain Lots in the Town of New Bern taken up by the Trustees for promoting the public school in the said Town saved and improved according to Law &c^a

Received from the Assembly the following Bills Viz^t,

A Bill for altering the times of holding the Inferior Courts of the Counties therein mentioned,

A Bill for granting to his Majesty a duty upon the tonage of ships and other vessels coming into this Province, for the purposes therein mentioned.

Then the House adjourned till 10 °Clock Monday Morning.

Monday Morning 28th November 1768.

The House met according to adjournment.

Present as before.

On motion the following Bills were ordered to be read,

A Bill to amend an Act Intituled an additional Act to an Act intituled an Act to prevent killing deer at unreasonable times; and for putting a stop to many abuses committed by white persons under pretence of hunting and other purposes, read the second time amended and passed,

A Bill for the more easy and speedy recovery of small debts and other purposes, read the second time amended and passed,

A Bill for altering the times of holding the Inferior Courts of the Counties therein mentioned, read the second time amended and passed,

A Bill for granting to His Majesty a duty upon the tonage of ships and other vessels coming into this Province, for the purposes therein mentioned, read the second time and passed,

A Bill for establishing a Militia in this Province, read the second time amended and passed.

A Bill to expedite the collecting public taxes defraying the charges of Government and other purposes, read the second time and passed.

A Bill to direct Sheriffs in levying executions and the disposal of lands, goods and chattles taken thereon, read the third time and passed. Ordered to be engrossed.

Received from the Assembly by Mr Haywood and Mr Blinn the following Bills Viz^t

A Bill for the more easy and speedy recovery of small debts and other purposes.

A Bill to amend the Act for establishing public warehouses in the Town of Halifax and Campbelton for the inspection of hemp and flax and other purposes, On motion read the third time and passed. Ordered to be engrossed.

A Bill to amend and explain an Act Intituled an Act for establishing an orthodox Clergy.

On motion the following Message was sent to the Assembly Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY

On reading a third time the Bill to amend and explain an Act Intituled an Act for dividing this Province into six several Districts, &c^a, &c^a, We observe in the second section of this Bill relative to payment of the Associates for one year, the word *annually* has been omitted to be *deled* in your House agreeable to the intentions of the Bill.

We also observe that you *deled* that clause relative to the non payment of costs of suits by a plaintiff when the defendant proves insolvent, which we propose should be *steded*.

If you agree to these amendments please send two of your members to see the same made.

By order

J. B. Clk.

28th Nov. 1768, In the upper House.

On motion the following Bills were ordered to be read

A Bill to amend and continue an Act Intitled an Act concerning Vestries, read the third time and passed. Ordered to be engrossed.

A Bill for preventing the frequent abuses in taking up and secreting of stray horses in the Counties therein mentioned, read the third time and passed. Ordered to be engrossed.

A Bill to continue an Act Intitled an Act for the regulation of the Town of Wilmington, read the third time and passed. Ordered to be engrossed.

A Bill to encourage the importation of British copper half pence and for making them a tender for the payment of small debts, read the third time and passed. Ordered to be engrossed.

A Bill for declaring certain lots in the Town of New Bern taken up by the Trustees for promoting the public school in the said Town saved and approved agreeable to Law; and to empower the said Trustees to collect the subscriptions due to the said school, read the third time and passed. Ordered to be engrossed.

A Bill to relieve such persons who have purchased lands sold by execution and have not obtained titles to the same, read the third time and passed. Ordered to be engrossed.

Received from the Assembly pr. Mr Shepard and Mr Spiers the following Message Viz'

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House herewith send you a Resolve of this day for an allowance of one hundred pounds to John Barnes of Brunswick County who was stabbed in the side and had his right arm shot off in the apprehending Thomas Dinney and John Bacon two felons whereby the said John Barnes is rendered incapable to support and maintain himself and family and desire your Honors concurrence to the said Resolve.

JOHN HARVEY, Speaker.

By order

W^m. HERRITAGE, Clk.

26th Nov. 1768.

Received from the Assembly by Mr. Howe and Mr. Hewes the following Bills,

A Bill for establishing a Militia in this Province.

A Bill for lessening the number of public claims diminishing the weight of public debts and relieving the present burthen of taxation on the poor, On motion read the first time and passed.

Then the House adjourned till 10 o'clock tomorrow morning.

Tuesday Morning 29th November 1768.

The House met according to adjournment.

Present as before.

On motion the following Message was sent to the Assembly,

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading a third time the Bill to amend and explain an Act Intituled an Act for establishing an Orthodox Clergy, We propose the words, *And received* inserted in your House on the third reading be *deled*, to which if you agree please send of your Members to see these words *deled* accordingly.

By order J. B. Clk.

29th Nov. 1768. In the upper House.

On motion the following Bills were ordered to be read,

A Bill to amend an Act Intituled an Act to restrain the keeping of too great a number of horses and mares and for amending the breed, read the second time amended and passed.

A Bill for destroying crows and squirrels in the several counties therein mentioned, read the second time amended and passed.

A Bill for establishing a Town on the lands of Benjamin Wynns on Chowan River, read the third time and passed. Ordered to be engrossed.

A Bill for vesting the School House in Edenton in Trustees, Read the third time and passed. Ordered to be engrossed

Received from the Assembly the following Resolve and Messages Viz'

Saturday 26th Nov. 1768. In the Assembly.

Resolved, That John Barnes of Brunswick County be allowed one hundred pounds for his service in assisting the officer in apprehending Thomas Dinney and John Bacon who were in the Sheriffs Custody for Felony and in doing of which the said Barnes was stabbed in the side and had his right arm shot off.

JOHN HARVEY Speaker.

By order W^m. HERRITAGE Clk.

On motion the above Resolve was taken under consideration and concurred with J. HASELL P. C.

By order J. B. Clk.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL

In answer to your Message of this day relative to the Bill to amend and explain an Act Intitled an Act for establishing an Orthodox Clergy,

This House cannot agree to *dele* the words *and receive* and hope your honors will pass the said Bill as sent you from us

JNO. HARVEY Speaker

By order

W^m. HERRITAGE Clk

Then the said Bill was taken under consideration and again read the third time and passed. Ordered to be engrossed.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL

In answer to your Message of this day this House agrees that the word *annually* in the Bill shall be struck out and send Messrs Hewes and Johnston to see the amendment made But cannot agree to the *steting* of that clause relative to the non payment of costs of suit by a plaintiff when the defendant proves insolvent and hope your Honors will pass the Bill with the above amendment.

JOHN HARVEY Speaker.

By order

W^m. HERRITAGE Clk

28th Nov 1768.

Then the alteration proposed was made in presence of the members sent for that purpose and the Bill again read the third time and passed. Ordered to be engrossed.

Received from the Assembly the following Bills Viz^t

A Bill to amend an Act Intitled an Act to restrain the keeping of too great a number of horses and mares and for amending the breed, On motion read the third time and passed. Ordered to be engrossed.

A Bill for altering the times of holding the Inferior Court of the Counties therein mentioned, On motion read the third time and passed. Ordered to be engrossed.

A Bill for destroying crows and squirrels in the several counties therein mentioned, On motion read the third time and passed. Ordered to be engrossed.

A Bill to amend an Act Intitled an Additional Act to an Act Intitled an Act to prevent killing deer at unseasonable times; and for putting a stop to many abuses committed by white persons under

pretence of hunting and other purposes, On motion read the third time and passed. Ordered to be engrossed.

Then the House adjourned till 10 o'clock tomorrow morning.

Wednesday Morning 30th Nov. 1768.

The House met according to adjournment.

Present as before.

Received from the Assembly the following Bills p. Mr. Rutherford and Mr. Phifer,

A Bill for Triennial Assemblies in this Province, On motion read the third time and rejected.

A Bill to expedite the collecting public Taxes, defraying the charges of Government and other purposes.

On motion the following Messages were ordered to be sent to the Assembly, Viz^t,

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On a third reading of the "Bill for establishing a Militia in this Province" We observe you have *deled* part of a clause wherein the pay of the Officers is ascertained, but as we can see no reason why officers should not be paid for their services as well as the men whom they are appointed to command, We are of opinion that, that part of the clause *deled* by you should from a principle of Justice as well as policy be again *steted* If you agree thereto please send some of your Members to see it done.

By order J. B. Clk.

30th Nov. 1768. In the upper House.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading a third time the Bill for the more easy and speedy recovery of small debts and other purposes, We observe that you have *deled* the clause relative to the trial of rioters &c, But as we are highly sensible of the necessity of some such clause for the preservation of the public peace, We herewith send you another which we propose to insert in the said Bill—And we further propose that appeals be granted on all Judgments of 20s and upwards when a party thinks himself agrieved by such Judgment.

If you agree to these amendments please send some of your Members to see them inserted in the said Bill.

30th Nov 1768.

By order.

AMENDMENT.

And whereas of late many wicked & dangerous Riots & Insurrections have arisen in different parts of this Province stirred up and carried on by factious and seditious persons enemies to the peace and good order of society & the Constitution of their country & encouraged by an expectation of escaping punishment by being rescued out of the custody of the Law by their Confederates & Abettors these offences being Triable by a late act of Assembly passed at Newbern on the 5th day of December A D 1767 intituled an act for dividing the Province into six several districts & regulating the proceedings therein & for providing adequate salaries for the Chief Justice & the Associate Justices of the said Superior Court only in the district wherein the offence is committed—*To the end therefore that the law may have its due and full effect & that offenders may receive the punishment due to their Crimes Be it further enacted* by the authority aforesaid that all prosecutions & pleas of the crown for Riots & Insurrections wherever three or more persons shall have been jointly concerned in which case it shall & may be lawful for the King's attorney by & with the consent of one of the Judges of the Superior Court to prosecute such malefactors in any other district than that in which the crime shall have been committed, any thing in the last mentioned act to the contrary notwithstanding.

On motion ordered that the following Message be sent to the Assembly Viz^t,

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

We have read in this House for the third time the Bill to expedite the following public taxes defraying the charges of Government and other purposes and propose the following amendments, Viz^t

That the debentures to be delivered to the persons to whom the public is indebted should not exceed £20,000 instead of the sum at present in the Bill.

That tax for redeeming the Debentures be only 1^s instead of 2^s as mentioned in the Bill.

That the Gentlemen who sign the Debentures should be allowed what they may pay for the printing or making those Debenture.

That the clause for repealing the Act passed last Session for laying a poll Tax of 2^s 6^d be expunged.

That the forging the Debentures be made felony without benefit of the Clergy instead of the penalties in the Bill.

To which if you agree please send such of your Members as you think proper to see the amendments made.

By order J. B. Clk.

30th Nov. 1768. In the upper House.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading the third time the Bill to enlarge the time for Sheriffs to settle their accounts with the Justices &c^t, We propose to have inserted in the clause for empowering the Governor to appoint collectors of taxes where there are no Sheriffs to insert after the words public taxes, The addition of the words *now* due or that hereafter may become due from such County. To which if you agree please send some of your Members to see the same inserted.

30th Nov. 1768. In the upper House.

Received from the Assembly the following Messages Viz^t.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL.

In answer to your Message of this day we agree to *set* that part of the clause *deled* by us in respect to ascertaining the pay of the Officers of the Militia and have therefore sent Mr Johnston and Mr Hewes to see the said clause *steted*.

JOHN HARVEY Speaker.

By order W^m. HERRITAGE Clk.

30th Nov. 1768.

Then the said Bill was again read the third time and the amendment in the Message mentioned made in the presence of the Members sent for that purpose and then the said Bill was put and passed. Ordered to be engrossed.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

In answer to your Message relative to the Bill to enlarge the time for Sheriffs to settle their Accounts with the Justices of the Inferior Courts of Pleas and Quarter Sessions of the Counties therein mentioned, This House agrees to the amendments by you proposed and have sent Mr Johnston and Mr Hewes to see the words "Now

due or that hereafter may become due from such County," inserted in the said Bill.

JOHN HARVEY Speaker.

By order W^m. HERRITAGE Clk.
30th Nov. 1768.

Then the alteration in the Message mentioned was made in presence of the members sent for the purpose and the Bill again read the third time and passed. Ordered to be engrossed.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

In answer to your Message relative to the Bill for the more easy and speedy recovery of small debts this House agree that there shall be an appeal from the Judgment of a Justice for any sum above twenty shillings and have sent Mr Johnston and Mr Hewes to see a clause inserted for that purpose but cannot agree to the clause you propose for altering the jurisdiction of the Superior Court in particular instances that clause being foreign to the Bill and contrary to the sentiments of this House

JOHN HARVEY Speaker

By order W^m. HERRITAGE Clk.
30th Nov 1768

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

In answer to your Message relative to the Bill to expedite the collecting public taxes defraying the charges of Government and other purposes

This House cannot agree to your making any alterations or amendments in that Bill it being the undoubted right of this House to frame all Bills imposing Taxes on the Inhabitants of this Province, and the concurrence of the other branches of the Legislature is only in compliance with the ordinary formes of business

This House therefore hope, as that Bill will tend to restore the peace and tranquility of this Province that your Honors will think proper to pass the same, as sent you by this House.

By order W^m. HERRITAGE Clk.
30th Nov 1768

Then the House adjourned till 10 o'clock tomorrow morning.

Thursday Morning 1st December 1768.

The House met according to adjournment.

Present as before.

On motion the consideration of the following Bills were resumed and ordered to be read,

A Bill for the more easy and speedy recovery of small debts and other purposes, read and on motion rejected.

A Bill for erecting part of Rowan County and part of Orange County into a separate County by the name of Bedford County and Trinity Parish, read and on motion rejected.

A Bill for erecting the lower part of Orange and upper part of Johnston Counties into one distinct County and Parish and for adding part of Dobbs County to Johnston, read and on motion rejected.

On motion the following Message was ordered to be sent to the Assembly,

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

In reply to your Message of yesterday we think ourselves obliged to declare that we have nothing more at heart than to restore the peace and tranquility of this Province, for which reason and to preserve the harmony that at present subsists between the different branches of the Legislature, we are desirous to waive the discussion of the question relative to the rights and privileges of our respective Houses, And as the Bill for authenticating the debt due from the public &c^a could not in its general scope and tendency be deemed a money bill without falling within the province of the Act of Parliament which prohibits the emission of a paper currency, we are willing it should not be considered as such in any respect whatsoever.

The objections we have to creating debentures for so large a sum as thirty thousand pounds are,

1st Because the term implies a debt or the acknowledgment of one, and it does not appear to us that so great a sum is now actually due to the public Creditors, The sum of ten thousand pounds for a Governors House which must be included in the estimate to make up the sum being already funded and the great part of the money advanced upon faith and security of that Grant without violating of which it cannot be discharged by debentures; nor can it be demanded of the public for two years to come, consequently the payment may, and in the present indigent situation of this Province ought to be postponed to the most distant period.

2^d From the inexpediency of issuing so large a sum, the Act will probably be disallowed by his Majesty which would involve us

in great confusion and probably be attended with loss to the persons who might receive these debentures in lieu of proclamation Money. It might likewise prevent our obtaining permission to emit a sum adequate to our wants which we flatter ourselves we might have leave to do upon preferring a petition to the Parliament of Great Britain, and,

3^y Because the sum of twenty thousand pounds is more than sufficient to defray the expence of the Western Expedition the expence of running the dividing line, the charge for garrison, and arrears of public Officers salaries, the claims of last Session and what may appear to be due at the close of the present Session for wages and claims allowed by the Committee, together with twelve hundred pounds supposed to be due for bounties upon hemp. These are the most important service, and the only considerable demands we have at present to provide for, And as in consideration of the distress of the people we are willing to consent to create debentures of the value of twenty thousand pounds for these purposes, it must now rest solely with you whether they shall be provided for or not.

We therefore hope you will reconsider our proposals with respect to that Bill and that you will please send some of your Members to make it conformable thereto.

1st Dec 1768. In the upper House.

By order

J. B. Clk.

Received from the Assembly by Mr Monford, Mr Ashe and Mr Caswell the following Message Viz^t

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House have received your reply to our message of yesterday and having considered the same send Mr Joseph Monford, Mr John Ashe, and Mr Rich^d Caswell three of the Members of this House to make the following alterations in the Bill to expedite the collecting public taxes defraying the charges of Government and other purposes.

That the word *thirty* be *deled* and instead thereof the word *twenty* be inserted.

That the tax for redeeming the debentures remain as in the Bill but that the words *sixty nine* be *deled* and *seventy one* inserted—

which we apprehend will be an easement to the inhabitants of this Province, and better support the credit of the debentures,

That the clause for repealing the Act passed last Session laying a tax and six penny tax, be expunged and that the forging debentures be felony without benefit of Clergy.

This House cannot agree that the Gentlemen who are to sign the debentures be allowed for their trouble or expence any other sum than that expressed in the Bill.

JOHN HARVEY Speaker.

By order

W^m. HERRITAGE Clk.

1st Dec. 1768.

Then the alterations proposed were made in the said Bill in presence of the members sent for that purpose.

On motion the Bill to expedite the collecting public taxes defraying the charges of government and other purposes was read the third time and passed, Ordered to be engrossed.

Then the House adjourned till 10 o'clock tomorrow morning.

Friday Morning 2nd December 1768.

The House met according to adjournment.

Present

| | | | | |
|------------|---|-------------------|---------------|------------|
| The Honble | { | James Hasell | John Sampson | } Esquires |
| | | John Rutherford | William Dry | |
| | | Lewis H. DeRosset | Robert Palmer | |
| | | Benjamin Heron | | |

Received from the Assembly by Mr Blount and Mr Haywood the Report of the Committee of Claims—which on motion were read and concurred with. J. H., P. C.

On motion the House proceeded to take under consideration the perplexed situation of the public funds, and ordered that the following Message be sent to the Assembly, Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

We think it our duty before the present Assembly breaks up to express our sense how grateful it would be to the people in general and how conclusive to quiet the minds and silence the clamors of many who think themselves agrieved in the management of public monies if some proper persons with full power to call for such papers and vouchers as may be necessary, were appointed during

the recess, to examine and report the state of the public funds and taxes at our next meeting.

That the people in general may be acquainted therewith and that if it should appear that the circumstances of the Country will admit they may be relieved from some part of their great burthens.

Be pleased therefore to consider thereof and if you think proper make such Resolve as may answer the purposes intended.

By Order

2nd December 1768. In the upper House.

Received from the Assembly by Mr Brickell and Mr Jones the following Messages and Resolve Viz^t,

This House herewith send you two Resolves thereof of this day respecting the appointments of an Agent and also a Committee of Correspondence and desire your Honors concurrence therewith

JOHN HARVEY Speaker

By order W^m. HERRITAGE Clk.

2nd December 1768

Friday 2nd December, In the Assembly,

Resolved, That Henry Eustace M^cCulloh Esq, be and is hereby appointed agent to this Province for one year and from thence to the end of the next Session of Assembly and that he be impowered and required to present our Address to his Majesty for the repeal of the several Acts of Parliament imposing duties on goods imported into America and transact such other business as may from time to time be recommended to him by the Committee of Correspondence under the direction of this House.

Resolved, that John Harvey Esq^r Speaker, Joseph Montford, Samuel Johnston, Joseph Hewes and Edward Vail Esq be a Committee of Correspondence to correspond with the said Agent and that they or the Majority of them from time to time report such their correspondence to the Assembly with every document paper and writing relative to the same that they may be informed of every circumstance necessary for the benefit of this Province

Test.

W^m. HERRITAGE Clk.

Received from the Assembly by Mr Phiher and Mr Bryan the following Message Viz^t.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

We send you herewith an account of the expences allowed by the House to the Troops assembled at Hillsborough under the Command of his Excellency the Governor which this House agree to and desire your Honors Concurrence thereto

JOHN HARVEY Speaker

By order W^m. HERRITAGE Clk.
2^d December 1768.

On motion concurred with.

J. H.—P. C.

Then the House adjourned till 10 °Clock tomorrow morning.

Saturday Morning 3^d Dec 1768

The House met according to adjournment

Present as before.

On motion ordered the following Message be sent to the Assembly

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

This House have taken into consideration the general account of your allowance for the pay the subsistence &c^a of the Troops at Hillsborough in September last, As we think those troops deserve some encouragement (more than you have allowed) for their diligence loyalty and decent behaviour, We should be glad you would make a resolve of your house that the Treasurer should pay to the Governor such sum as you may think proper to be by His Excellency distributed amongst those troops.

We must also recommend to your consideration the Rev^d Mr Micklejohn who preached to the troops at Hillsborough printed and dispersed general copys of one of the sermons on that important occasion.

By order J. BURGWIN Clk.
3^d Dec 1768. In the upper House

Received from the Assembly the following Messages Viz^t

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL.

In answer to your Message of this day relative to this House appointing persons to examine into the state of the public funds and report the same at our next meeting, We now inform your

Honors that at the first Session of this Assembly a Committee was appointed for the purposes you mention in your said message which Committee have reported that on account of the so early meeting of this present Session they were prevented from proceeding in this inquiry, Therefore this House this present Session have Resolved that the said Committee be continued till the next session of Assembly at which time we have reason to hope a full and perfect Account will be Reported by the said Committee of the State of the public funds,

JOHN HARVEY Speaker

By order W^m. HERRITAGE Clk.
3rd Dec 1768.

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

In answer to your Message relative to the pay of the troops who assembled at Hillsborough; This House cannot agree to any further allowance to them than that sent you from us; And as to the other part of your Message, We do agree that the Treasurers pay the expence of printing the sermon preached by the Rev^d George Micklejohn sent to this House by His Excellency the Governor this session.

JOHN HARVEY, Speaker

By order W^m. HERRITAGE Clk.

Received from the Assembly the reports of the Committee of Accounts which on Motion was read, approved of and concurred with.

Then His Excellency the Governor came to this House and commanded the immediate attendance of the Speaker and Gentlemen of the Assembly and to bring with them what Bills they had ready to present.

The Speaker attended by the Assembly presented to His Excellency the following Bills for his Assent Viz^t,

1. An Act to amend and explain an Act Intituled an Act for establishing an Orthodox Clergy,
2. An Act to amend and continue an Act Intituled an Act concerning Vestries.
3. An Act for establishing a Militia in this Province.
4. An Act to direct Sheriffs in levying executions and the disposal of lands, goods and chattles taken thereon.

5. An Act to amend and explain an Act for dividing this Province into six several Districts &c.^a

6. An Act to relieve such persons who have purchased lands sold by execution and have not obtained titles to the same.

7. An Act to enlarge the time for Sheriffs to settle their Accounts with the Justices of the Inferior Courts of Pleas and Quarter Sessions &c.^a.

8. An Act to amend the Act for establishing public warehouses in Halifax and Campbellton for the inspection of hemp and flax.

9. An Act to amend an Act Intitled an Act to restrain the keeping too great a number of horses and mares and for amending the breed.

10. An Act for dividing the County of Mecklenburg and other purposes.

11. An Act for establishing a Town in Mecklenburg County.

12. An Act for establishing a Town on the Lands of Benjamin Wynns on Chowan River.

13. An Act to amend an Act Intitled an additional Act to an Act to prevent killing deer at unreasonable times &c.^a

14. An Act for preventing the frequent abuses in taking up and secreting stray horses in the Counties therein mentioned.

15. An Act to encourage the importation of British copper half pence and for making them a tender for the payment of small debts.

16. An Act for appointing commissioners to build a prison pillory and stocks on the lot whereon the Court House now stands in Duplin County.

17. An Act to continue an Act Intitled an Act to amend an Act Intitled an Act for the regulation of the Town of Wilmington.

18. An Act for declaring certain lots in the Town of New Bern taken up by the Trustees for promoting the public school in the said Town saved and improved according to Law &c.^a

19. An Act for destroying crows and squirrels in the several Counties therein mentioned.

20. An Act for altering the time for holding the Inferior Courts in the Counties therein mentioned.

21. An Act to expedite the collecting Public Taxes defraying the charges of Government and other purposes.

22. An Act for vesting the school house in Edenton in Trustees. to which Acts His Excellency was pleased to give his Assent (except

to the two last Acts which he rejected) and then he made the following speech to both Houses, Viz^t,

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL, MR SPEAKER
AND GENTLEMEN OF THE HOUSE OF THE ASSEMBLY,

Thank you for the business that has passed through this Session I should have been extremely happy if you had left it in my power to have concurred with you for the immediate payment of the troops at Hillsborough but as the Act for granting debentures is expressly within the letter and meaning of the Act of Parliament prohibiting the emission of paper currency with a legal tender, I am constrained to reject it, as a contrary conduct would so directly tend to the injury of my honor and fortune, I shall however lay before his Majesty an impartial statement of the situation of this Country, that he may in his wisdom provide a proper remedy.

W^m. TRYON.

Then the House adjourned till Monday morning.

Monday Morning 5th December 1768.

The House met according to adjournment.

Present as before.

Received from the Assembly a Bill making provision for the payment of Forces raised to suppress the late insurrection on the Western Frontiers, providing for the public claims and for the more easy collecting taxes of Government. On motion read the first time and passed and sent to the Assembly.

Received from the Assembly the following Message and Resolve Viz^t

GENTLEMEN OF HIS MAJESTYS HONORABLE COUNCIL,

We send you herewith a Resolve of this House relative to the Tax for sinking the £12,000 granted in the year 1760 and the tax for sinking the £20,000 granted in the year 1761 and desire your Honors concurrence thereto.

JOHN HARVEY Speaker.

By order W^m. HERRITAGE Clk.

5th December 1768.

Monday the 5th December 1768.

Resolved, That it is the opinion of this House that the tax of one shilling p. poll for sinking the £12,000 granted in the year 1760,

and the tax of three shillings p. poll for sinking the £20,000 granted in the year 1761 have had their effect and ought not hence forth to be collected.

JOHN HARVEY Speaker.

By order W^m. HERRITAGE Clk
5th Dec. 1768.

5th December 1768, 'In the upper House read and concurred with.
By order, J. H., P. C.

Received from the Assembly the Bill for making provision for the payment of forces raised to suppress the late insurrection &c^a. On motion read the second time and passed.

Received from the Assembly the following Message and Resolve,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

We herewith send you a Resolve of this House for allowing David Gordon the sum of fifteen pounds for his services done this Session as per the said Resolve and also the sum of twenty pounds to the Trustees of the public school in Newbern for the use of a room for the Assembly this Session, and desire your Honors concurrence thereto.

JNO. HARVEY Speaker

By order W^m. HERRITAGE Clk
In the Assembly Dec. 5th 1768.

In the Assembly

Resolved, That Mr David Gordon be allowed and paid the sum of fifteen pounds for sundry services done by him this Session of engrossing the seven Bills allowing for on the estimate this Session, And also that the sum of twenty pounds be allowed and paid to the Trustees of the public school in New Bern for a room for the Assembly this Session omitting to be allowed on their estimate.

JOHN HARVEY Speaker

By order W^m. HERRITAGE Clk.
Dec. 5th 1768.

5th Dec. 1768. In the upper House read and concurred with.

J. HASELL P. C.

By order J. B. Clk.

Received from the Assembly the Bill for making provision for the payment of Forces raised to suppress the late insurrection &c^a, On motion read the third time and passed. Ordered to be engrossed.

Then on motion the Resolve of the Assembly of the 2nd Inst. relative to an Agent for this Province &c^a was taken under consideration and ordered to lie on the Table.

His Excellency the Governor came to this House and by a Message commanded the immediate attendance of the Speaker and Gentlemen of the Assembly in the Council Chamber to present any further Bills they had to lay before him for his assent

The Speaker and Gentlemen of the Assembly attended accordingly and presented to His Excellency for his Assent

An Act making provision for the payment of Forces raised to suppress the late Insurrection on the Western Frontiers, providing for the public claims and for the more easy collecting the annual Taxes of the Government,

To which Act his Excellency was pleased to give his assent, and then prorogued the General Assembly of this Province to the ---- day of June next to meet at New Bern for the dispatch of Public Business &c^a

NORTH CAROLINA,

At an Assembly begun and held at New Bern the third Day of November in the seventh year of the reign of our Sovereign Lord George the third by the Grace of God of Great Britain, France and Ireland, King Defender of the Faith (and so forth) and in the year of our Lord, One thousand seven hundred and sixty six, and from thence continued by several prorogations to the seventh day of November in the ninth year of the reign of our said Sovereign Lord the King and in the year of our Lord, one thousand seven hundred and sixty eight, being the third Session of this present Assembly,

In the House of Assembly

Monday 7th November 1768.

Mr. Speaker and twenty four Members appeared.

On motion ordered that Mr. Fanning and Mr. Dawson wait on his Excellency the Governor and acquaint him the House is met, and desire to know when they shall wait on him, and being returned,

brought for answer that his Excellency would receive them, an hour hence in the Council Chamber.

His Excellency the Governor sent a Message to the House requiring the immediate attendance thereof in the Council Chamber.

Mr. Speaker with the House, waited on his Excellency the Governor in the Council Chamber where his Excellency was pleased to make a speech to his Majesty's Hon^{ble} Council and this House, a Copy of which to prevent mistakes Mr. Speaker obtained.

Mr. Speaker with the House returned and Mr. Speaker reported that he had obtained a copy of His Excellency the Governor's Speech, to his Majesty's Hon^{ble} Council and this House, which he delivered in at the Table; Ordered the same to be read tomorrow morning.

Then the House adjourned till 10 o'clock tomorrow morning.

Tuesday November 8th 1768

The House met according to adjournment.

The order of the day being read — Resolved His Excellency the Governor's Speech be read,— Read the same and ordered to be entered on the Journals of this House and it is as follows, to wit,

[For the Governor's speech, see Journals of the Upper House.— EDITOR.]

Then on motion, Resolved the House Resolve into a Committee of the whole House tomorrow morning to take under consideration his Excellency the Governor's Speech.

This House being informed that Mr Benjamin Palmer one of the Members for Pasquotank County is dead, On motion Resolved His Excellency the Governor be addressed to order the Clerk of the Crown to issue a writ for electing a Member for the said County, to sit and vote in this Present Assembly in the room and stead of the said Mr Benjamin Palmer deceased.

Ordered the following Message be sent to his Excellency the Governor, Viz^t,

TO HIS EXCELLENCY WILLIAM TRYON, ESQUIRE HIS MAJESTY'S CAPTAIN GENERAL GOVERNOR &c^a

SIR,

This House have been informed that Mr Benjamin Palmer late one of the Members for Pasquotank County is dead,

Therefore desire your Excellency will be pleased to direct the

Clerk of the Crown to issue a Writ for electing a Member for the said County of Pasquotank to sit and vote in this Present Assembly
JOHN HARVEY Sp.

Sent by Col^o Caswell and Col^o Shepard.

Rec^d from his Excellency the Governor by Mr Edwards a written Message, with the extracts and instructions therein mentioned &c^a to wit,

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I send you by my Secretary extracts from the Earl of Hillsborough's Letters referred to in my Speech on the subject of a paper currency,

Mr Edwards will also deliver to you his Majesty's instruction to me recommending an explanatory Act to be passed to the Clergy Law now in force in this Province

W^m. TRYON.

And also the following written Message with the papers, addresses, &c^a therein mentioned

MR SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY.—

I herewith send you the several Papers, Addresses &c, &c, referred to in my Speech relative to the Insurgents, nearly in the Order I received them, Viz^t

1st. The Address of those who stiled themselves Regulators, with a large Bundle of Papers containing their Proceedings &c. delivered to me at Brunswick the 14th of June by Mess^{rs} James Hunter and Rednap Howell.

2nd. My Answer to the above Address from the Council Chamber at Brunswick dated the 21st of June—Numbered 13.—

3rd. The Letter I sent the Insurgents by the Sheriff of Orange — Numbered 14, dated 1st August.—

4th. The Deposition of Tyree Harris, Sheriff of Orange dated the 3^d August — Numbered 15. —

5th. The Deposition of Ransom Southerland, Deputy Sheriff dated 3^d August—Numbered 16. —

6th. The Insurgents Letter delivered to me at Hillsborough by John Lowe and James Hunter the 5th of August — Numbered 17. —

7th. My Answer, from the Council Chamber in Hillsborough, to the above Letter dated the 13th of August — N° 18. —

8th. The Insurgents Letter dated 19th August — N° 19, Delivered at Salisbury the 25th August by Col^o Frohock.

9th. The Insurgents Letter delivered to me by James Hunter at the Head of the Troops on their march to Hillsborough 15th September — N° 20. —

Note — On the Receipt of this last Letter, I ordered the Commissaries to give James Hunter attested Certificates agreeable to Law that the Cattle for the Service of the Troops were Free from any Distemper &c. which Order was complied with, and James Hunter directed to inform His Confederates, that if they presumed even to interrupt the march of the Cattle, they should do it at their Peril. —

10th. The Address of the Insurgents delivered to me in Hillsborough the 22^d or 23^d Sept — N° 21.

11th. Address from the Inhabitants in Anson County who stiled themselves Regulators, delivered to me at Hillsborough the 15th August 1768 — N° 22,

12th. My Answer to the above Address — dated Hillsborough 16th August N° 23, —

13th. A Proclamation. N° 24. —

14th. George Hendreys Letter of Submission &c. N° 25. —

The Orders given out to the Troops on the march and while at Hillsborough you will also receive with the Papers above mentioned.

W^m. TRYON

Newbern 8th November 1768.

Wednesday 9th November 1768.

The House met according to adjournment.

Ordered the several papers referred to and sent with his Excellency's Messages received by this House yesterday be read, The same are read, and ordered to lay for consideration.

The order of the Day being read, Resolved the House Resolve into a Committee of the whole House tomorrow to take under consideration His Excellency the Governor's Speech.

Then the House adjourned till 10 °Clock tomorrow morning.

Thursday 10th November 1768.

The House met according to adjournment.

Mr. Branch presented a Petition from the Inhabitants of Halifax County directed to the Governor, Council and Assembly which was

read, And therein set forth the great hardships they endure from the scarcity of money and thereby are rendered incapable of paying their Taxes, and that from such scarcity have arisen the great disturbances that have lately happened in this Province, praying an Act may pass for making and emitting a currency &c.^a Ordered the same lie for consideration.

The order of the day, The House Resolve into a Committee of the whole House to take under consideration his Excellency the Governor's Speech and choose John Ashe Esquire Chairman, after the same was read and some time spent the Committee came to several Resolutions which Mr. Chairman was directed to report to the House.

Then on motion Mr. Speaker resumed the Chair, Mr. Chairman Reported that the Committee had taken his Excellency the Governor's Speech in consideration, and came to several Resolutions thereon, which Mr. Chairman reported to the House.

The same were approved of and ordered they be instructions to the Committee to be appointed to prepare an Address in answer to his Excellency the Governor's Speech.

On motion ordered that Mr. Robert Howe, Mr. Maurice Moore and Mr. Samuel Johnston be a Committee to prepare an address in answer to his Excellency the Governor's Speech, and report the same to the House for approbation.

Mr. Mau: Moore moved for leave to bring in a Bill to make provisions for the payment of public debts.

Ordered he have leave accordingly.

Then the Court adjourned till 10 °O'clock tomorrow morning.

Friday November 11th 1768

The House met according to adjournment,

Mr Robert Lenox one of the Members for Bertie County appeared,

Two of the Members of his Majesty's Council came to the House, and Mr Robert Lenox appeared took the oaths by Law appointed for his qualification subscribed the Test, and took his seat in the House.

Mr Speaker acquainted the House that he had received a letter from the Speaker of the House of Representatives of the Massachusetts Bay in New England, and another letter from the Speaker of the House of Burgesses in Virginia and laid the same before the House,

Ordered the said letters be read, the same are read.

Mr Fanning moved that a Committee be appointed to prepare and bring in a Bill for erecting the Western part of Orange County and the Eastern part of Rowan County into a County and Parish by the name of ----- County and ----- Parish, and Mr Fanning, Mr Lloyd. and Mr Rutherford are appointed a Committee accordingly.

Mr Fanning presented a Petition of the Inhabitants of Orange County bordering on Cumberland County, setting forth that the petitioners live at a great distance from the several Court Houses in the said Counties &c^a Praying a County may be erected out of the said two Counties of Orange and Cumberland.

Ordered Mr Fanning prepare and bring in a Bill pursuant to the prayer of the said petition.

Mr Fanning presented a petition of the Inhabitants of Orange County Praying a Law may pass to empower one Justice of the Peace to try and determine all causes to the amount of five pounds &c^a

And on motion ordered Mr Fanning prepare and bring in a Bill pursuant to the prayer of the said petition

Then the House Adjourned till 10 o'clock tomorrow morning.

Saturday, November 12th 1768.

The House met according to adjournment.

Mr Ashe moved for leave to bring in a Bill directing the method of levying Executions and disposing of the Goods taken thereon.

Ordered he have leave accordingly.

Mr Samuel Benton, Mr William Bartram, Mr Mathias Brickell, Mr Andrew Knox, Mr James Blount, and Mr William Webster appeared.

Mr Bartram moved for leave to bring in a Bill to relieve such persons that have or may suffer by the loss of the Records in Bladen County.

Ordered he have leave accordingly.

Mr Phifer moved for leave to bring in a Bill to divide Mecklenburg County.

Ordered that he have leave, and that he prepare and bring in the same.

Mr Polk moved for leave to bring in a Bill for establishing a Town in Mecklenburg County.

Ordered that he have leave, and that he prepare and bring in the same.

Mr Polk presented the above mentioned Bill, which he read in his place and delivered in at the Table where the same was again read by the Clerk, passed and ordered to be sent to the Council.

Sent by Mr Polk and Mr Rutherford.

Mr Robert Howe from the Committee appointed to prepare an Address in answer to His Excellency the Governor's Speech informed the House that the said Committee had prepared the same, which he read in his place.

Ordered the same stand the address of this House, and be entered on the Journal thereof as follows, to wit,

TO HIS EXCELLENCY WILLIAM TRYON, ESQUIRE, HIS MAJESTY'S
CAPTAIN GENERAL AND GOVERNOR IN CHIEF IN AND OVER THE
PROVINCE OF NORTH CAROLINA,

SIR,

We His Majesty's most dutiful and loyal subjects the Members of the Assembly of North Carolina return your Excellency our thanks for your Speech at the opening of this Session.

This House, Sir, have the fullest conviction of the necessity there was for marching a body of Militia into Hillsborough, to oppose the intentional outrages of a set of men who forgetful of their duty they owed their Sovereign, insensible of the happiness of your Excellency's Administration, and in defiance of the Laws under which they lived, were pursuing measures destructive to the felicity, and dangerous to the Constitution of their Country.

The Detestation we have of the Riotous and illegal proceedings of these insurgents would alone be increased by reflecting on the anxiety and severe regret we have reason to imagine they occasioned your Excellency to whose activity and spirited conduct we owe the return of that tranquility and order now so likely to take place, and though words cannot express how high a sense we have of the important service you rendered us, Permit us Sir, to increase the obligation by requesting your acceptance of those thanks which in the ardour of our gratitude we most sincerely offer. We are happy Sir that the behaviour of the Officers, the Soldiers and Gentlemen volunteers Assembled for so laudable a purpose as the preservation of the public peace have been both pleasing to your Excellency and useful to the Province, and we hope that, upon so

strong a proof of their merit, as that of your Excellency's approbation, you will give us leave in this public manner to express our entire satisfaction in their conduct, and to return them our thanks. Your Excellency may depend if it should appear to us that the inhabitants of this Province labour under actual grievances not within the remedy of the Laws now in force, we shall as far as our power extends endeavour by constructing new Acts to remove the inconvenience, and there is nothing Sir, you may more certainly rely on, than that all officers of Government in the Legal execution of their offices shall receive every encouragement, protection and support that we can give them.

We return your Excellency our hearty thanks for having the Petition of the Council and Assembly of this Province for an emission of paper currency as a legal tender laid before his Majesty, and it is with inexpressible concern that we receive the important information of its having met with discouragement. We adopted the measure, and relied on the success of it as the only remedy of saving this Province from ruin nor are we happy enough at this time to have the least reason to alter that opinion. Restricted in this particular and distressed by Taxes as we are, we shall find it difficult if not impossible to pay the Troops lately so necessarily, and to so good effect employed in the support of Government, We shall however when your Excellency is pleased to lay the estimate of expenses before us, take the same under consideration and make provision for the payment as soon as the circumstances of the Province will admit.

The stating and adjusting of our Public Accounts will still continue to be thought the important concern of this House, in order to direct and facilitate our enquiry into the state of the public funds, and every other particular your Excellency has been pleased to mention shall receive that attention which we shall always be inclined to pay to your recommendations.

We join your Excellency in opinion that the interior policy of this Country was never more an object of serious concern than at present, and we cannot too strongly express our desire of uniting with every branch of the Legislature in forming such Laws as will establish the peace and secure the property of the Inhabitants of this Colony.

This House beg leave to thank your Excellency for the offer of your best intentions and inclinations for the felicity of this Country, are happy in declaring that your actions have ever given undeniable proofs, that to be steady in support of his Majesty's Government and

the true interest of this Colony are the ruling principles of your Heart, and there is no wish Sir, in which we are more sincere, than that your continuing long to preside over this Province may be consistent with the pleasure of our Royal Sovereign and your Excellency's Happiness.

JOHN HARVEY Sp.

Then the House adjourned till 10 o'clock tomorrow morning.

Monday November 14th 1768.

The House met according to Adjournment.

Mr Samuel Spencer and Mr Benjamin Person appeared and took their Seats.

Mr Kedar Merchant one of the Members for Currituck County appeared.

Two of the members of his Majestys Honble Council came to the House and Mr Kedar Merchant appeared, took the oaths by Law appointed for his qualification subscribed the Test and took his seat in the House.

Mr Phifer pursuant to order presented a Bill for dividing Mecklenburg County which he read in his place and delivered in at the Table where the same was again read by the Clerk passed and ordered to be sent to the Council.

Mr Harnett moved for leave to bring in a Bill to encourage the importation of British copper half pence and for making them a tender for the payment of small debts.

Ordered he have leave accordingly.

Then the House adjourned till 3 o'clock in the afternoon.

P. M. The House met according to adjournment.

Mr Kenan moved for leave to bring in a Bill to empower the Justices of Duplin County to build a prison pillory and stocks on the lot whereon the Court House now stands.

Ordered he have leave, and he prepare and bring in the same.

Mr Harris and Mr Polk waited on his Excellency the Governor and acquainted him the House have prepared an Address in answer to his Speech at the opening of this Session and desire to know when they shall wait on him therewith, and being returned brought for answer that his Excellency would receive them tomorrow at his House.

Then the House adjourned till 10 o'clock tomorrow morning.

Tuesday November 15th 1768.

The House met according to adjournment

Mr Maurice Moore according to order presented a Bill to provide a fund for defraying the Public Debts due from the Public of this Province, which he read in his place and delivered in at the Table, where the same was again read by the Clerk passed and ordered to be sent to the Council.

Sent by Mr Haywood and Mr Spiers.

Mr Ward and Mr Smithwick appeared and took their seats.

Mr Speaker with the House, waited on his Excellency the Governor, and Mr Speaker presented him with the Address of this House.

Mr Speaker reported that he with the House had waited on his Excellency the Governor and presented him with the Address of this House, to which his Excellency was pleased to return an answer a copy of which he had obtained and laid the same before the House.

Ordered the same be read, The same is read, and ordered to be entered on the Journal of this House as follows, (that is to say)

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

It affords me the most grateful satisfaction to find in the generous sentiments of your Address that the measures I pursued to suppress the late insurrections in the Country are honored with your approbation

The anxiety and indisposition I experienced on that service are fully repaid by the successful conduct of the Troops, and the thanks they have merited and received from your House, an Honour I am proud to share with them, The estimate of their Expences, I hope to be able to lay before you to day, when I trust, you will find ways and means to furnish the money to discharge the same as soon as possible. Though your Petition to his Majesty for the emission of a paper currency has not met with the desired success, I sincerely hope no impending ruin waits this Province from its failure from the informations I received in several parts of this Province through which I have travelled. I am inclined to believe many of the Inhabitants are great sufferers from the heavy burden of their private obligations, which by the ingenuity of their creditors can only be discharged with cash; This puts it out of the power of the former to extricate themselves from the load, under the present great scarcity of money if any expediency can

be found for this difficulty, it's possible it may give great relief to those under such unhappy circumstances.

I thank you Gentlemen, as well for the great attention you assure me you will pay to every matter I have submitted to your consideration, As for your kind wishes for a continuance of my residence with you, a circumstance however flattering and agreeable to me, entirely rests on his Majestys Gracious Pleasure

W^m. TRYON.

Rec^d from His Excellency the Governor the following written message with the papers therein referred to, to wit

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I herewith send you the estimates of the expences I incurred by the services of the Troops assembled at Hillsborough to protect and preserve the public peace.

These accounts include the whole charges of that service except the ammunition furnished for the Rowan Battalion, the amount of which I have not yet been able to obtain but as soon as it can be had, it shall be laid before you, I likewise send you, a General return of the number of Troops employed on the above Service.

W^m. TRYON.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

I transmit to you for your consideration an Address to the Legislative body, and a letter to me from Tyree Harris late Sheriff of Orange County, from which it gives me pleasure to find the Inhabitants in those parts have returned to a due obedience and subordination to Government by paying their public dues.

WILLIAM TRYON.

Then the House adjourned till 10 o'clock tomorrow morning.

Wednesday November 16th 1768.

The House met according to adjournment.

Mr. Knox moved for leave to bring in a Bill for rating the several species of Foreign coin therein mentioned and making the same a lawful tender in all payments.

Ordered he have leave accordingly.

Mr. Knox presented the above mentioned Bill which he read in his place and delivered in at the Table, where the same was again read by the Clerk passed and ordered to be sent to the Council.

Mr. Needham Bryan appeared.

Mr. Fanning asked for leave to present a Bill for preventing abuses in taking up and secreting stray horses in the Counties therein mentioned.

Ordered he have leave accordingly.

Mr. Fanning presented the above mentioned Bill which he read in his place and delivered in at the Table, where the same was again read by the Clerk, passed, and ordered to be sent to the Council.

Mr Fanning from the Committee appointed to prepare and bring in a Bill for erecting the Western part of Orange County, and the Eastern part of Rowan County into a County and Parish by the name of ----- County and ----- Parish and other purposes, reported the Committee had prepared the same, which he presented to the House and read the same in his place, and delivered in at the Table, where the same was again read by the Clerk, passed and ordered to be sent to the Council.

Mr Ashe pursuant to order brought in a Bill directing the method of levying executions and disposing of the goods taken thereon, which he read in his place and delivered in at the Table, where the same was again read by the Clerk passed and ordered to be sent to the Council

Sent the above four Bills by Mr Harris and Mr Knox.

Mr Needham Bryan presented a Petition from the Inhabitants of Johnston and also a Petition from the Inhabitants of Dobbs County, praying a Bill may pass for erecting a County out of the said Counties of Johnston and Dobbs.

Ordered Mr Fanning, Mr Caswell and Mr Bryan prepare and bring in a Bill pursuant to the Prayer of the said several Petitions

Rec^d from His Excellency a written Message by Mr Edwards as follows, to wit, and also the papers therein mentioned,

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

The Remainder of the expences incurred for the Public Service at Hillsborough I herewith transmit to you, this amount added to the general abstract delivered to you yesterday includes the whole expences of that Service

W^m. TRYON.

NEW. BERN 16th November 1768

Then the House adjourned till 3 °Clock in the afternoon.

P. M. The House met according to adjournment.

Then the House adjourned till 11 °Clock tomorrow morning.

Thursday November 17th 1768.

The House met according to adjournment.

Received from the Council the Bill to provide a fund for defraying the Public Debts due from the Public of this Province Endorsed, 16th November 1768, In the upper House read the first time and passed,

Mr Benjamin Hardy appeared.

On motion ordered Mr Caswell, Mr Benton, Mr Barrow, Mr Haywood, Mr Lloyd, Mr Kenan, Mr Bartram, Mr Jacob Blount, Mr Spencer, Mr Vail, and Mr James Blount be appointed a Committee to settle and allow Public claims, and Mr Harnett, Mr Hewes, Mr Johnston, Mr Harris, Mr Person, Mr Dawson, Mr Fanning, Mr W^m Cray, Mr Simpson and Mr Knox a Committee of this House to state and settle the Public accounts in Conjunction with such of his Majesty's Honorable Council as they shall think proper to appoint, and that the following Message be sent to his Majesty's Honorable Council, Viz^t.

This House have appointed Mr Richard Caswell, Mr Samuel Benton, Mr William Haywood, Mr Thomas Lloyd, Mr Felix Kenan, Mr William Bartram, Mr Jacob Blount, Mr Samuel Spencer, Mr Edward Vail, and Mr James Blount, a Committee to settle and allow the Public Claims of this Province, and Mr Harnett, Mr Hewes, Mr Johnston, Mr Harris, Mr Person, Mr Dawson, Mr Fanning, Mr John Simpson, Mr Knox, Mr Cray, a Committee of this House to state and settle the public Accounts of this Province, in conjunction with such of your Honors as you shall think proper to appoint.

JOHN HARVEY Sp.

The House took under consideration His Excellency's Message relative to the estimates of expences incurred on the expedition to Hillsborough and Resolved that Mr Harnett and Mr Hewes and Mr Cray be appointed a Committee to examine state and settle the claims of the forces on the Hillsborough expedition and report their

Resolution thereon to the House, for approbation, and they are accordingly appointed.

Resolved it be an instruction to the Committee that they do allow a Colonel seven shillings and six pence per Diem, a Lieutenant Colonel and Major the same, a Captain six shillings and eight pence per Diem, a Lieutenant and Ensign six shillings p Diem, each, for the time the said several officers were in actual service on the Hillsborough expedition.

Rec^d the following Bills from the Council Viz^t

The Bill for erecting part of Rowan County, and part of Orange County into a separate County by the name of ---- and Parish of ----

The Bill for dividing the County of Mecklenburg and other purposes,

The Bill to direct Sheriffs in levying executions and the disposal of Goods taken thereon,

The Bill for establishing a Town in Mecklenburg County.

The Bill for rating the several species of foreign Coin therein mentioned, and making the same a tender in all payments,

The Bill for preventing abuses in taking up and secreting of stray Horses in the Counties therein mentioned.

Mr Charlton moved for leave to bring in a Bill to amend and explain an Act Intituled an Act for dividing this Province into six several Districts and for establishing a Superior Court of Justice in each of the said Districts and regulating the proceedings therein, and for providing adequate Salaries for the Chief Justice and Associate Justices of the said Superior Courts.

Ordered he have leave accordingly.

Mr Charlton presented the above mentioned Bill which he read in his place and delivered in at the Table, where the same was again read, by the Clerk, passed and ordered to be sent to the Council.

Sent by Mr Shepard and Mr Brickell.

Mr Caswell moved for leave to present a Bill for the encouragement of an Iron Manufacture within this Province

Ordered he have leave accordingly.

Mr Caswell presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk passed, and ordered to be sent to the Council.

Sent by Mr Kenan and Mr Bryan.

Mr Robert Howe moved for leave to bring in a Bill for Triennial Assemblies and for regulating Elections.

Ordered he have leave accordingly.

Mr Spencer moved for leave to bring in a Bill for the relief of insolvent debtors &c^a

Ordered he have leave accordingly.

Mr. Kenan moved for leave to bring in a Bill for appointing a Militia in this Province.

Ordered he have leave accordingly.

Mr Kenan pursuant to order presented a Bill for appointing Commissioners to build a prison, pillory and stocks on the lot whereon the Court House now stands in Duplin County, which he read in his place, and delivered in at the Table where the same was again read by the Clerk passed, and ordered to be sent to the Council.

Sent by Mr Kenan and Mr Bryan.

The House took under consideration the petition of Tyree Harris and Resolved a Bill be prepared and brought in to enlarge the time for Sheriffs to settle their accounts with the Justices of the Inferior Courts of pleas and quarter Sessions of the Counties therein mentioned, and that Mr Maurice Moore prepare and bring in the same.

Then the House adjourned till 10 o'clock tomorrow morning.

Friday November 18th 1768.

The House met according to adjournment.

Mr Respass moved for leave to absent [himself] from the service of the House till Monday next.

Ordered he have leave accordingly.

Mr Jacob Blount moved for leave to absent [himself] from the service of the House till tomorrow

Ordered he have leave accordingly

Mr Joseph Jones appeared;

Mr Branch presented a Certificate from the Court of Halifax County therein recommending Stephen Sebastian to be exempt from paying Public Taxes and Levies, Granted.

Mr Polk presented a certificate from the Court of Mecklenburg County, therein recommending Cutburt Nichols to be exempt from paying Public Taxes, Granted.

Mr Person presented two certificates from the Court of Bute County, therein recommending Thomas Glover, William Moseley,

and Thomas Merritt to be exempt from paying public Taxes, Granted.

Mr Spencer presented a Certificate from the Court of Anson County therein recommending William Noble to be exempt from the payment of Taxes — Granted,

On motion ordered the Bill for establishing a Town in Mecklenburg County, be read the second time, Read the same a second time amended passed and ordered to be sent to the Council,

On motion ordered the Bill for dividing Mecklenburg County be read a second time, Read the same a second time, amended passed, and ordered to be sent to the Council,

Sent the above two Bills by Mr Kenan and Mr Bryan,

On motion ordered the Bill for erecting part of Rowan County and part of Orange County into a separate County by the name of ----- County and ----- Parish be read a second time, Read the same a second time passed and ordered to be sent to the Council.

On motion ordered the Bill for preventing abuses in taking up and secreting stray Horses in the Counties therein mentioned be read a second time, Read the same a second time, amended passed and ordered to be sent to the Council,

Sent the above two Bills by Mr Dawson and Mr Blount.

Rec^d from his Excellency a Written Message by Mr Edwards relative to, and accompanied with one hundred copies of a sermon preached by the Reverend Mr Micklejohn before the Troops at Hillsborough, which Message is as follows, (that is to say)

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

By the particular request of the Reverend Mr Micklejohn, I desire leave in his behalf to present your House with one hundred copies of a sermon preached before the Troops at Hillsborough. The merit and beneficial tendency of this admirable discourse, gave general satisfaction to all who heard it delivered; a testimony it will undoubtedly receive from every one who reads with attention.

W^m. TRYON.

On motion ordered the Bill to provide a fund for defraying the Public debts, due from the Public of this Province be read a second time, Read the same a second time and rejected.

Mr Harris moved for leave to present a Bill to continue an Act concerning Vestries.

Ordered that he have leave accordingly.

Mr. Harris presented the said Bill which he read in his place, and delivered in at the Table, where the same was again read by the Clerk, passed, and ordered to be sent to the Council.

Sent by Mr Lemon and Mr Branch.

Mr Moore according to order presented a Bill to enlarge the time for Sheriffs to settle their Accounts with the Justices of the Inferior Courts of pleas and quarter sessions in the Counties therein mentioned, which he read in his place, and delivered in at the Table, where the same was again read by the Clerk, passed, and ordered to be sent to the Council.

Mr Robert Howe moved for leave to prepare and bring in a Bill for making commodities a legal tender in all payments of Debts.

Ordered he have leave accordingly.

Then the House adjourned till 10 o'clock tomorrow morning.

Saturday November 19th 1768.

The House met according to adjournment

Rec^d from the Council the following Message and Bills, Viz^t.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

In answer to your Message, Relative to the Committees, We have appointed the Honble John Rutherford, William Dry, Robert Palmer, and Samuel Strudwick Esq^{rs} a Committee of this House to examine state and settle the Public Accounts, and the Hon^{ble} Lewis DeRosset, John Sampson, and Benjamin Heron, Esquires a Committee of this House to settle and allow Public Claims.

In the upper House 18th November 1768.

The Bill for dividing the County of Mecklenburg and other purposes, and,

The Bill for establishing a Town in Mecklenburg County, Endorsed, 18th November 1768, In the upper House read the second time, amended and passed,

The Bill to amend and explain an Act, Intituled an Act, for dividing this Province into six several Districts, and for Establishing a Superior Court of Justice in each District &c^a

The Bill for the encouragement of an Iron Manufacture within this Province,

The Bill to continue an Act, Intituled an Act, concerning Vestries, and,

The Bill for appointing Commissioners to build a prison, pillory and stocks on the lot, whereon the Court House now stands in Duplin County, Endorsed, 18th November 1768, In the upper House, read the first time and passed.

Mr Harnett moved for leave to bring in a Bill to continue an Act, Intituled an Act to amend an Act, for the Regulation of the Town of Wilmington.

Ordered he have leave accordingly.

Mr Harnett presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk, passed and ordered to be sent to the Council.

Mr Harnett pursuant to order presented a Bill to encourage the importation of British Copper half pence, and for making them a tender for the payment of small debts, which he read in his place, and delivered in at the Table, where the same was again read by the Clerk passed and ordered to be sent to the Council.

Sent the above two Bills by Mr Spencer and Mr Rutherford.

On motion ordered the Bill for rating the several species of Foreign Coin therein mentioned and for making the same a tender in all payments be read a second time, read the same a second time amended passed, and ordered to be sent to the Council.

Sent by Mr Spencer and Mr Rutherford.

On motion ordered the Bill to direct Sheriffs in the disposal of Lands, goods and chattles taken on Execution be read the second time, Read the same a second time, amended passed, and ordered to be sent to the Council.

Sent by Mr Skinner and Mr Brickell.

On motion ordered the Bill to continue an Act, Intituled an Act concerning Vestries be read the second time, Read the same a second time passed and ordered to be sent to the Council.

On motion ordered the Bill for appointing Commissioners to build a prison, pillory and stocks on the lot whereon the Court House now stands in Duplin County, be read the second time, Read the same a second time, amended passed and ordered to be sent to the Council.

On motion ordered the Bill for the encouragement of an Iron Manufacture within this Province, be read the second time, Read the same a second time, amended passed, and ordered to be sent to the Council,

Sent the above three Bills by Mr Kenan and Mr Jones.

Mr Maurice Moore, moved for leave to absent himself from the Service of the House during the Session.

Ordered he have leave accordingly,

Mr Jacob Blount presented several Certificates from the Court of Craven County therein recommending Daniel Granade, Henry Shepard, Jacob Bell, Lattimer Ross, and Samuel Lambert all of Craven County to be exempt from paying public taxes and doing public duties Granted.

Then the House adjourned till 10 o'clock Monday Morning.

Monday Morning November 21st 1768

The House met according to adjournment.

Mr Charlton moved for leave to present a Bill for establishing a Town on the land of Benjamin Wynns on Chowan River,

Ordered he have leave accordingly

Mr Charlton presented the above mentioned Bill which he read in his place, and delivered in at the Table, where the same was again read by the Clerk, passed and ordered to be sent to the Council.

On motion ordered the Bill for establishing a Town in Mecklenburg County, be read a third time, Read the same a third time, passed, and ordered to be sent to the Council.

On Motion ordered the Bill for dividing Mecklenburg County and other purposes be read the third time, Read the same a third time, amended passed, and ordered to be sent to the Council.

Sent the above three Bills by Mr Brickell and Mr Phifer,

Rec^d from the Council the Bill to amend and continue an Act Intituled an Act concerning Vestries, Endorsed, 21st November 1768, In the upper House read the second time, amended and passed.

The Bill to enlarge the time for Sheriffs to settle their Accounts with the Justices of the Inferior Courts &c^a therein mentioned.

The Bill to encourage the importation of British Copper half pence, and for making them a tender for the payment of small debts, and,

The Bill to continue an Act Intituled an Act for the regulation of the Town of Wilmington. Endorsed 21st November 1768. In the upper House read the first time and passed.

Mr Hewes moved for leave to present a Bill for vesting the school House in Edenton in Trustees.

Ordered he have leave accordingly.

Mr Hewes presented the above mentioned Bill which he read in his place and delivered in at the Table, where the same was again read by the Clerk, passed and ordered to be sent to the Council.

On motion ordered the Bill to continue an Act to amend an Act for the regulation of the Town of Wilmington, be read a second time, Read the same a second time, amended, passed and ordered to be sent to the Council.

On motion ordered the Bill to encourage the importation of British Copper half pence, and for making them a tender for the payment of small debts, be read the second time, Read the same a second time, amended, passed and ordered to be sent to the Council.

Mr Person moved for leave to present a Bill to relieve such persons who have purchased Lands sold by execution and have not obtained Titles for the same.

Ordered he have leave accordingly.

Mr Person presented the above mentioned Bill which he read in his place, and delivered in at the Table, where the same was again read by the Clerk, passed and ordered to be sent to the Council.

Sent the above four Bills by Mr Brickell and Mr Phifer,

Mr John Ashe presented the affidavit of William Moore setting forth &c*

[William Moore of Pitt County Esquire being of full age deposeth and saith that he was at the Court House in Pitt County on the fourth Tuesday in the Month of October one thousand seven hundred and Sixty Eight one, of the Times mentioned in the Inferior Court Law for holding the Inferior Court of that County where there were many of the Justices of the said County present that it was the General Topic of Discourse amongst some of them that they could do no Business and the reason assigned for it was that they did not want a List of Taxables return'd to Court because if it was they were apprehensive of being without a Sheriff as there was hardly any one who would choose to accept of that office on account of the Difficulty and Hazard that Attended the Collection of y^e Taxes. And this Deponent further saith that the above mentioned reason was either before or at the Court given by John Simpson and John Tyson Esquires.

WILLIAM MOORE

Sworn to before me this 21st day of November 1768

M. HOWARD C. J.]

Ordered a Committee be appointed to examine into the facts set forth in the said Affidavit, and Mr Ashe, Mr Johnston, Mr Montford, Mr Harnett, Mr Charlton, Mr Hewes, Mr Robert Howe, Mr Caswell and Mr Person are appointed accordingly, and that the said Committee have full power and authority to send for papers, persons, and records for their information; and report to this House their proceedings thereon.

Mr Montford moved for leave to present a Bill to amend an Act Intituled an Act, for establishing public ware houses in the Town of Halifax and Campbelton for the Inspection of Hemp and Flax and other purposes.

Ordered he have leave accordingly.

Mr Montford presented the above mentioned Bill which he read in his place and delivered in at the Table, where the same was again read by the Clerk, passed and ordered to be sent to the Council.

Mr Montford moved for leave to present a Bill to expedite the collecting of Public Taxes, defraying the charges of Government and other purposes.

Ordered he have leave, and that he prepare and bring in the same.

Mr Montford presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk, passed and ordered to be sent to the Council.

Sent the above two Bills by Mr Brickell and Mr Phifer.

Rec^d from the Council the Bill for appointing Commissioners to build a prison, pillory and stocks on the lot whereon the Court House now stands in Duplin County.

The Bill for erecting part of Rowan County and part of Orange County into a separate County by the name of ----- County and ----- Parish and other purposes, and,

The Bill for preventing the frequent abuses, in taking up and secreting stray Horses in the Counties therein mentioned, Endorsed, 21st November 1768, In the upper House, read the second time amended and passed.

Mr Fanning pursuant to order, presented a Bill for the more easy and speedy recovery of small debts, and other purposes, which he read in his place, and delivered in at the Table where the same was again read by the Clerk, passed, and ordered to be sent to the Council.

Mr Kenan according to order presented a Bill for establishing a Militia, which he read in his place and delivered in at the Table,

where the same was again read by the Clerk, passed, and ordered to be sent to the Council.

Sent the above two Bills by Mr Kenan and Mr Rutherford.

On motion ordered the Bill to enlarge the time for Sheriffs to settle their accounts with the Justices of the Inferior Courts &c^e therein mentioned, be read the second time, read the same a second time, and passed, and ordered to be sent to the Council.

On motion ordered the Bill for preventing the frequent abuses in taking up and secreting stray horses be read the third time, read the same a third time, amended passed and ordered to be sent to the Council.

Sent the above two Bills by Mr Kenan and Mr Rutherford.

Mr Harris moved for leave to present a Bill for destroying crows and squirrels in the several counties therein mentioned,

Ordered he have leave accordingly.

Mr Harris presented the above mentioned Bill which he read in his place, and delivered in at the Table where the same was again read by the Clerk passed and ordered to be sent to the Council.

Mr Bryan pursuant to order[presented] a Bill for Erecting the lower part of Orange County and the upper part of Johnston County into one distinct County and Parish, and for adding part of Dobbs County to Johnston County which he read in his place and delivered in at the Table, where the same was again read by the Clerk, passed, and ordered to be sent to the Council.

Sent by Mr Bryan and Mr Hardy.

On motion Mr Fanning is discharged from bringing in a Bill pursuant to the petition of the Inhabitants of Cumberland and Orange Counties for erecting a County out of the said two Counties, and ordered the same lie for consideration till next Session of Assembly.

Then the House adjourned till 10 o'clock tomorrow morning.

Tuesday November 22nd 1768.

The House met according to adjournment.

Mr John Bradford appeared.

On motion ordered the Bill to amend and continue an Act Intituled an Act concerning Vestries, be read the third time, read the same a third time, passed and ordered to be sent to the Council

Rec^d from the Council the following Bills Viz^t.

The Bill to encourage the importation of British Copper half

pence, and for making them a tender for the payment of small debts, Endorsed, 22nd November 1768, In the upper House read the second time and passed.

The Bill to establish a Militia in this province, and

The Bill to expedite the collecting Public Taxes, defraying the charges of Government &c^a, Endorsed, 22nd November 1768, In the upper House, read the second time and passed.

Rec^d from his Excellency the Governor a written Message, by Mr Edwards, to wit,

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I herewith transmit you a letter from James Kennedy with an Account of the damages which he sustained by a robbery committed by some persons who have since been publicly executed for their villainy. It only therefore remains for me to recommend him to you for such a share of your benevolence as you think the nature of his unfortunate case may require,

W^m. TRYON.

And also the letter and account therein mentioned.

Resolved the said Letter and Account lie for consideration,

Mr Johnston moved for leave to present a Bill concerning free Negroes in this Province,

Ordered he have leave accordingly.

Mr Johnston presented the above mentioned Bill which he read in his place and delivered in at the Table, where the same was again read by the Clerk passed and ordered to be sent to the Council.

Sent by Mr Hewes and Mr Howe,

On motion ordered the Bill to amend and explain an Act Intituled an Act, for dividing this Province into six several Districts, and for establishing a Superior Court of Justice in each of the said Districts, and regulating the proceedings therein &c^a, be read the second time, Read the second time amended, passed and ordered to be sent to the Council

Sent by Mr Hewes and Mr Howe.

Rec^d from the Council the following Bills, to wit,

The Bill to relieve such persons who have purchased lands sold by execution and have not obtained Titles for the same, Endorsed, 22^d November 1768, In the upper House, read the first time and passed,

The Bill to direct Sheriffs in levying Executions and the disposal of Lands, goods and chattels, taken thereon, Endorsed, In the upper House read the second time amended & passed.

The Bill for the more easy and speedy, recovery of small debts and other purposes, Endorsed, 22nd November 1768, In the upper House read the first time and passed,

The Bill to amend an Act, Intituled an Act, for establishing Public Ware Houses, in the Towns of Halifax and Campbleton for the Inspection of hemp and flax and other purposes Endorsed 22^d November, 1768, In the upper House, read the first time and passed,

The Bill for establishing a Town on the Lands of Benjamin Wynns, on Chowan River, Endorsed, 22nd November 1768 In the upper House read the first time and passed,

The Bill for vesting the school House in Edenton in Trustees. Endorsed 22nd November 1768, In the upper House read the first time & passed,

The Bill for the encouragement of an Iron Manufacture in this Province, Endorsed, 22^d November 1768, In the upper House read the second time, amended and passed, and,

The Bill for destroying crows and squirrels therein mentioned, Endorsed 22^d November 1768, In the upper House read the first and passed,

On motion, Resolved that a Captain commandant appointed by his Excellency and fifteen men be employed to garrison Fort Johnston, and that the said Captain be allowed six shillings and eight pence p. Diem, and each man one shilling and four pence p. Diem; and eight pence p. Diem for subsistance for one year, and from thence to the end of the next Session of Assembly.

On motion ordered the following Message be sent to the Council, to wit,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House have Resolved, that a Captain commandant appointed by his Excellency, and fifteen men be employed to Garrison Fort Johnston and that the said Captain be allowed six shillings and eight pence p. Diem; and each man one shilling and four pence p. Diem, and eight pence p. Diem, for subsistance, for one year; and from thence to the end of the next Session of Assembly to which we desire your Honors concurrence.

JOHN HARVEY Sp.

Sent by Mr Hewes and Mr Howe.

On motion ordered the Bill for vesting the School House in Edenton in Trustees be read a second time, read the same a second time, amended and passed and ordered to be sent to the Council.

Sent by Mr Hewes and Mr Howe.

Mr Spencer moved for leave to present a Bill for altering the times of holding the Inferior Courts of the Counties therein mentioned.

Ordered he have leave accordingly.

Mr Spencer presented the above mentioned Bill which he read in his place and delivered in at the Table, where the same was again read by the Clerk, passed, and ordered to be sent to the Council.

Sent by Mr Hewes and Mr Howe.

Then the House adjourned till 10 o'clock tomorrow morning.

Wednesday 23^d November 1768.

The House met according to adjournment.

Mr Ashe presented a Certificate from the Court of Beaufort County therein recommending John Robinson of said county to be exempt from paying Public Duties and Taxes, Granted, and also one other Certificate from the said Court therein recommending John Mayo to be exempt from paying Public Taxes, and doing Public duties—Granted.

Mr Ashe presented the Petition of Joseph Kirkland setting forth that he went in pursuit of and took into Custody Thomas and Richard Seymore, and Noel Williams three Notorious Villains &c^a Praying the reward that is usually allowed by the Public for the taking and securing outlawed and notorious thieves, and robbers and for sundry expences by him incurred in conveying the said three villains to the Gaol of Wilmington District.

The House taking the same under consideration, Resolved, that the said Joseph Kirkland be allowed one hundred pounds proc. money for his said service and expences, and that the following Message be sent to the Council, to wit,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House herewith send you the petition of Joseph Kirkland which we have taken under consideration, and Resolved, the said Joseph Kirkland be allowed one hundred pounds for his service in the said petition mentioned and for his expences incurred about the same, and desire your Honors concurrence to the said Resolve.

23^d November 1768,

JOHN HARVEY Sp

Mr Blount moved for leave to present a Bill to amend the several Acts for regulating the Town of New Bern,

Ordered he have leave accordingly.

Mr Blount presented the above mentioned Bill, which he read in his place and delivered in at the Table, where the same was again read by the Clerk, passed, and ordered to be sent to the Council,

Sent by Mr Shepard and Mr Branch, and also the above mentioned Message and Petition.

Rec^d from the Council the following Bills, to wit,

The Bill for establishing a Town in Mecklenburg County, and

The Bill for dividing the County of Mecklenburg, Endorsed, 23^d November 1768, In the upper House read the third time and passed. Ordered to be engrossed, and,

The Bill for erecting the lower part of Orange and upper part of Johnston Counties into one distinct County and Parish, and for adding part of Dobbs County to Johnston County, Endorsed, 23rd November 1768, In the upper House read the first time and passed,

Rec^d from the Council the Resolve of this House relative to a Captain Commandant and fifteen men to Garrison Fort Johnston, Endorsed 23^d November, In the upper House, concurred with

JAMES HASELL, P. C.

On motion ordered the Bill to direct Sheriffs in levying executions, and the disposal of goods taken thereon, be read the third time, read the same a third time passed and ordered to be sent to the Council.

On motion ordered the Bill for appointing Commissioners to build a prison, pillory and stocks on the lot whereon the Court House now stands in Duplin County, be read the third time, read the same a third time amended passed and ordered to be sent to the Council,

On motion ordered the Bill for erecting part of Rowan County and part of Orange County into a separate County by the name of ----- County and ----- Parish and other purposes be read the third time, read the same a third time, amended passed and ordered to be sent to the Council

On motion ordered the Bill to encourage an Iron Manufacture within this Province, be read the third time, read the same a third time, amended, passed and ordered to be sent to the Council

Sent the above four Bills by Mr Kenan and Mr Spencer.

On motion ordered the Resolve of this day be sent to his Excellency for his Assent, and also the following message, to wit,

TO HIS EXCELLENCY WILLIAM TRYON ESQUIRE, CAPTAIN, GENERAL,
GOVERNOR, &c.^a

SIR,

This House sends a Resolve of this House relative to a Captain Commandant and fifteen men to Garrison Fort Johnston to which his Majesty's Hon^{ble} Council have concurred, this House therefore desire your Excellency will be pleased to assent to the said Resolve.

JOHN HARVEY, Sp.

23^d November 1768.

Sent by Mr Robert Howe.

Mr Harnett presented the petition of Marmaduke Jones Esquire, praying to be allowed a claim for fees as Attorney General with an account thereof annexed, which was read,

Resolved the said petition and Account be referred to the Committee of Claims.

Mr Fanning moved for leave to present a Bill to amend and explain an Act Intituled an Act, for establishing an Orthodox Clergy.

Ordered he have leave accordingly.

Mr Fanning presented the above mentioned Bill which he read in his place, and delivered in at the Table where the same was again read by the Clerk, passed, and ordered to be sent to the Council.

On motion ordered the Bill for the more easy and speedy recovery of small debts and other purposes be read a second time, read the same a second time, amended passed and ordered to be sent to the Council.

Mr Robert Howe moved for leave to bring in a Bill for granting to his Majesty a duty upon the tonage of Ships and other Vessels coming into this Province and other purposes.

Ordered he have leave accordingly.

Mr Robert Howe presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk, passed and ordered to be sent to the Council.

Sent the above three Bills by Mr Haywood and Mr Bradford.

On motion ordered the Bill to Expedite the collecting Public Taxes defraying the charges of the Government and other purposes

be read the second time, read the same a second time amended passed and ordered to be sent to the Council.

Then the House adjourned till 10 o'clock tomorrow morning.

Thursday November 24th 1768.

The House met according to adjournment.

Mr Caswell moved for leave to bring in a Bill for declaring certain lots in the Town of New Bern taken up by the Trustees for promoting the Public School in the said Town saved and approved according to Law and to empower the said Trustees to collect the subscriptions due to the said school.

Ordered he have leave accordingly.

Mr Caswell presented the above mentioned Bill which he read in his place and delivered in at the Table, where the same was again read by the Clerk, passed and ordered to be sent to the Council.

Mr Polk moved for leave to bring in a Bill to amend an Act Intituled an Act concerning Marriages.

Ordered he have leave accordingly.

Mr Polk presented the above mentioned Bill, which he read in his place and delivered in at the Table, where the same was again read by the Clerk, passed and ordered to be sent to the Council.

On motion ordered the Bill for Erecting the lower part of Orange and upper part of Johnston County into one distinct County and Parish and for adding part of Dobbs County to Johnston County &c^a be read the second time, Read the same a second time, amended passed and ordered to be sent to the Council.

Mr Ashe from the Committee appointed to examine into the Facts alledged in the affidavit of William Moore, Reported that they had proceeded to examine the matter in the said affidavit contained, and that the said Committee are of opinion that the facts contained in the said deposition is supported. JOHN ASHE, Chair

Dated 21st November 1768.

On motion ordered the Bill to amend an Act for establishing Public Ware Houses in the Towns of Halifax and Campbleton, be read the second time, Read the same a second time, amended passed and ordered to be sent to the Council.

Mr Hewes moved for leave to present a Bill to amend an Act Intituled an Act to prevent the exportation of unmerchantable commodities.

Ordered he have leave accordingly.

Mr Hewes presented the above mentioned Bill, which he read in his place and delivered in at the Table, where the same was again read by the Clerk, passed and ordered to be sent to the Council.

Mr Harris moved for leave to present a Bill to amend an Act Intituled an Act to prevent killing of deer at unseasonable times, and for putting a stop to many abuses committed by white persons under pretence of hunting.

Ordered he have leave accordingly.

Mr Harris presented the above mentioned Bill, which he read in his place and delivered in at the Table, where the same was again read by the Clerk, passed, and ordered to be sent to the Council.

Rec^d from the Council the following Bills Viz^t

The Bill to amend and explain an Act, Intituled an Act, for dividing this Province into six several Districts &c^a

The Bill for continuing an Act, Intituled an Act to amend an Act, for the regulation of the Town of Wilmington, The former Endorsed, 22^d November 1768. The latter Endorsed, 23^d November 1768, In the upper House read the second time amended and passed, and,

The Bill to amend and explain an Act, Intituled an Act, for establishing an Orthodox Clergy, Endorsed 24th November 1768, In the upper House read the first time and passed, and also,

The Resolve of this House for allowing Joseph Kirkland one hundred pounds &c^a. Sent to His Majesty's Hon^{ble} Council yesterday for concurrence, Endorsed, 23^d November 1768, In the upper House, concurred with,

JAMES HASELL, P. C.

Resolved, the said Resolve be sent to His Excellency the Governor for his Assent, and also the following Message Viz^t.

TO HIS EXCELLENCY WILLIAM TRYON, ESQUIRE, CAPTAIN, GENERAL, GOVERNOR, &c^a.

SIR,

This House herewith send your Excellency a Resolve thereof for an allowance of one hundred pounds to Joseph Kirkland for his service done the Public by apprehending three notorious villains (who have since for the villainies been executed) to which Resolve his Majesty's Honble Council have concurred, therefore desire your Excellency will be pleased to assent to the said Resolve,

JOHN HARVEY Sp.

24th November 1768.

Sent by Mr Spencer and Mr Blount,

The House taking into consideration the report of the Committee appointed to examine into the facts mentioned in the deposition of William Moore,

Resolved the said John Simpson in the deposition mentioned and charged, and one of the Members of this House is guilty of a high misdemeanor, and that his conduct in preventing the sitting of the Inferior Court of Pitt County is greatly injurious to the Public and detestable to this House, Therefore it is further

Resolved that the said John Simpson do appear at the Bar of this House, and there receive for such his Conduct a severe censure and reprimand from Mr Speaker,

Pursuant to which Mr Simpson appeared at the Bar of this House and there received a severe censure and reprimand from Mr Speaker.

Mr Robert Howe, pursuant to order presented a Bill for Triennial Assemblies in this Province which he read in his place and delivered in at the Table, where the same was again read by the Clerk, passed and ordered to be sent to the Council.

Rec^d from the Council the following Bills, to wit,

The Bill to enlarge the time for Sheriffs to settle their accounts with the Justices of the Inferior Courts. Endorsed, 24th November, 1768, In the upper House, read the second time amended and passed.

The Bill for vesting the School House in Edenton in Trustees, Endorsed, 24th November 1768, In the upper House, read the second time, amended and passed.

The Bill for granting to His Majesty a duty upon the Tonage of Ships and Vessels &c.^a

The Bill to amend an Act, Intituled an Act concerning marriages.

The Bill for altering the times of holding the Inferior Courts of the Counties therein mentioned.

The Bill concerning free negroes in this Province.

The Bill for declaring certain Lots in the Town of New Bern taken up by the Trustees for promoting the Public School in the said Town saved and improved according to Law &c.^a Endorsed, 24th November 1768, In the upper House read the first time and passed.

On motion ordered the Bill for establishing a Militia in this Province be read the second time, read the same the second time amended passed and ordered to be sent to the Council.

Mr Blount presented three Certificates from the Court of Craven, therein recommending Robert Taylor, Henry Woof and John Wal-

len to be exempt from paying public taxes, and doing public duties. Granted.

Mr Rutherford moved for leave to present a Bill to amend an Act to restrain the keeping of too many horses and mares, in the counties therein mentioned, and for amending the breed.

Ordered he have leave accordingly.

Mr Rutherford presented the above mentioned Bill which he read in his place, and delivered in at the Table, where the same was again read by the Clerk passed and ordered to be sent to the Council.

On motion ordered the Bill for destroying Crows and squirrels in the several Counties therein mentioned be read the second time, read the same the second time amended passed and ordered to be sent to the Council.

Sent the above Bills by Mr Rutherford and Mr Phifer,

Then the House adjourned till 10 o'clock tomorrow morning.

Friday November 25th 1768

The House met according to adjournment.

On motion ordered the Bill declaring certain Lots in the Town of New Bern taken up by the Trustees for promoting the public School in the said Town saved and improved according to Law &c^a be read the third time, Read the same a third time, passed and ordered to be sent to the Council.

On motion ordered the Bill for vesting the School House in Edenton, in Trustees &c^a be read the third time, Read the same a third time, passed, and ordered to be sent to the Council

On motion ordered the Bill to amend an Act, Intituled an Act, concerning Marriages be read a second time, Read the same a second time, passed and ordered to be sent to the Council

On motion ordered the Bill concerning Free Negroes be read the second time. Read the same a second time and Rejected.

On motion ordered the Bill to encourage the importation of British half pence, and making them a tender in the Payment of small debts be read a third time, Read the same a third time passed and ordered to be sent to the Council

On motion ordered the Bill for establishing a Town on the Lands of Benjamin Wynns on Chowan River be read a second time, Read the same a second time, amended passed and ordered to be sent to the Council

On motion ordered the Bill to relieve such persons who have purchased lands sold by Execution and have not obtained Titles to the same, be read a second time, Read the same a second time, passed and ordered to be sent to the Council,

Sent the above six Bills by Mr Phifer and Mr Rutherford

On motion ordered the Bill to amend and explain an Act, Intitled an Act, for dividing this Province into six several Districts &c^a be read the third time, Read the same a third time, passed, and ordered to be sent to the Council

Sent by Mr Spencer and Mr Francis Ward,

Rec^d from the Council the following Bills, Viz^t.

The Bill for erecting the lower part of Orange County and the upper part of Johnston County into a distinct County and Parish, and for adding part of Dobbs County to Johnston County, Endorsed 25th November 1768, In the upper House read the second time amended and passed

The Bill to amend an Act, Intitled an additional Act, to an Act, to prevent killing Deer at unseasonable times,

The Bill to amend an Act, Intitled an Act, to restrain the keeping of too great a number of horses and mares &c^a.

The Bill to amend an Act, Intitled an Act, to prevent the exportation of unmerchable commodities.

The Bill for Triennial Assemblies in this Province, Endorsed, 25th November 1768, In the upper House read the first time and passed,

And also the following Message Viz^t.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

The Bill to expedite the collecting the Public Taxes defraying the charges of Government, and other purposes, at present before us, being intended to provide for the security or discharge of the Debts due from the Public, This House is of opinion that previous to the taking the said Bill into consideration, it will be necessary to ascertain and have before them a statement of the several debts actually due and intended to be secured and discharged in the manner therein proposed.

25th November 1768, In the upper House

On motion ordered the Bill to amend and explain an Act, Intitled an Act for establishing an Orthodox Clergy be read a second time, read the same a second time, passed and ordered to be sent to the Council.

Sent by Mr Spencer and Mr Francis Ward.

Resolved the following Message be sent to the Council, Viz^t,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House received your Message of this day, and in answer thereto, must assure your Honors, We have much at heart the Bill to expedite the collecting Public Taxes, defraying the charges of Government and other purposes, and should be glad you would as soon as possible satisfy yourselves in the points you think necessary to have ascertained, before you enter into the consideration of that Bill.

JOHN HARVEY Sp.

28th November 1768.

Sent by Mr Spencer and Mr Ward

On motion ordered the Bill to continue an Act Intitled an Act, to amend an Act, for the regulation of the Town of Wilmington be read the third time, read the same a third time, amended passed and ordered to be sent to the Council,

Sent by Mr Spencer and Mr Fran^s Ward

Rec^d from the Council the Bill declaring certain lots in the Town of New Bern taken up by the Trustees for promoting the Public School in the said Town, saved and improved according to Law, &c^a. Endorsed, 25th November, In the upper House read the second time and passed.

The Bill to relieve such persons who have purchased lands sold by execution and have not obtained Titles to the same, and,

The Bill for establishing a Town on the lands of Benjamin Wynns on Chowan River, Endorsed, 25th November 1768, In the upper House read the second time amended and passed

On motion ordered the Bill to direct Sheriffs in levying executions and the disposal of goods and chattels taken thereon be read the third time, read the same a third time, amended passed, and ordered to be sent to the Council,

Sent by Mr Spencer and Mr Francis Ward

On motion ordered the Bill to amend an Act Intitled an additional Act to an Act, to prevent killing Deer at unseasonable times &c^a be

read the second time, read the same a second time, amended passed and ordered to be sent to the Council.

On motion ordered the Bill for Triennial Assemblies in this Province be read the second time, read the same a second time passed and ordered to be sent to the Council.

On motion ordered the Bill to restrain the keeping too great a number of horses and mares in the counties therein mentioned be read a second time, read the same a second time, amended passed and ordered to be sent to the Council

Sent the above three Bills by Mr Harris and Mr Branch,
Then the House adjourned till 10 o'clock tomorrow morning.

Saturday November 26th 1768.

The House met according to adjournment

On motion ordered the Bill declaring certain lots in the town of New Bern, taken up by the Trustees for promoting the Public School in the said Town, saved and improved according to Law &c^a be read the third time, read the same a third time amended, passed, and ordered to be sent to the Council.

On motion ordered the Bill to relieve such persons who have purchased Lands sold on Execution and have not obtained titles for the same, be read the third time, read the same a third time, passed and ordered to be sent to the Council.

Sent to the Council by Mr Bradford and Mr Shepard.

On motion ordered the Bill for erecting the lower part of Orange and upper part of Johnston County into one distinct County and Parish, and for adding part of Dobbs County to Johnston County, be read the third time, read the same a third time, amended, passed and ordered to be sent to the Council.

On motion ordered the Bill for establishing a Town on the Land of Benjamin Wynns on Chowan River be read the third time, read the same a third time, amended, passed and ordered to be sent to the Council.

Sent the above two Bills by Mr Bradford and Mr Shepard.

On motion ordered the Bill to amend an Act Intituled an Act, to prevent the exportation of unmerchantable commodities, be read the second time, read the same a second time and rejected.

On motion ordered the Bill for altering the times of holding the Inferior Courts of the several Counties therein mentioned, be read

the second time, read the same a second time, amended, passed and ordered to be sent to the Council.

Sent by Mr Rutherford and Mr Spencer.

Mr Robert Howe acquainted the House, that one John Barnes of Brunswick County in assisting the Sheriff in taking Thomas Dinney and John Bacon who were in the Sheriff's Custody and had escaped, was stabbed in the side and had his right arm shot off, by one of the said Felons.

Therefore moved the House would Resolve to make a suitable allowance to said John Barnes, (for such his service) towards the support of himself and Family.

The House taking the same into consideration, Resolved the said John Barnes be allowed one hundred pounds for his said service, towards the support and maintenance of himself and family, and that the following Message be sent to the Council, Viz^t,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House herewith send you a Resolve of this day for an allowance of one hundred pounds to John Barnes of Brunswick County who was stabbed in the side and had his right arm shot off in apprehending Thomas Dinney and John Bacon two Felons, whereby the said John Barnes is rendered incapable to support and maintain himself and family; and desire your Honours concurrence to the said Resolve.

JNO. HARVEY Sp.

26th November 1768.

Mr Benton moved for leave to absent himself from the service of the House during this Session.

Ordered he have leave accordingly.

On motion ordered the Bill for granting to His Majesty a duty upon the Tonage of Ships and Vessels coming into this Province &c^a be read a second time, read the same a second time, amended passed and ordered to be sent to the Council.

Sent by Mr Howe and Mr Bryan.

Then the House adjourned till 10 o'clock tomorrow morning.

Monday November 28th 1768

The House met according to adjournment.

Rec^d from his Excellency the Governor the following written Message,

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

I return you the Resolve of the appointment of fifteen men to Garrison Fort Johnston, Also the Resolve that Joseph Kirkland be allowed one hundred pounds for his services and expences in apprehending the Felons you mention, to both which Resolves I have given my assent. W^m. TRYON.

And also the Resolves therein mentioned.

Rec^d the following Bills from the Council, Viz^t,

The Bill to amend and explain an Act Intituled an Act for establishing an Orthodox Clergy,

The Bill to amend an Act for establishing public Ware Houses in the Towns of Halifax and Campbelton for the inspection of hemp and flax and other purposes.

The Bill for Triennial Assemblies in this Province. Endorsed, 26th November 1768, In the upper House read the second time and passed.

The Bill to amend an Act Intituled an additional Act to an Act to prevent killing Deer at unseasonable times &c^a, and,

The Bill for the more easy and speedy recovery of small debts and other Purposes. Endorsed, 28th November 1768, In the upper House read the second time amended & passed.

On motion ordered the Bill to amend and explain an Act Intituled an Act for establishing an Orthodox Clergy be read the third time, Read the same a third time, amended passed and ordered to be sent to the Council.

On motion ordered the Bill for the more easy and speedy recovery of small debts, and other purposes, be read a third time, Read the same a third time, amended passed and ordered to be sent to the Council.

On motion ordered the Bill to amend an Act for establishing public Ware Houses in the Towns of Halifax and Campbelton be read the third time, Read the same a third time, passed and ordered to be sent to the Council.

Sent the above three Bills by Mr Haywood and Mr Blinn,

Rec^d from the Council the following Bills, Viz^t

The Bills for granting to his Majesty a duty upon the Tonage of Ships and other Vessels coming into this Province &c^a Endorsed 28th November 1768, In the upper House read the second time and passed.

The Bill for altering the times of holding the Inferior Courts of the Counties therein mentioned, and,

The Bill for establishing a Militia in this Province, Endorsed, 28th November 1768, In the upper House read the second time amended and passed,

Rec^d from the Council the Bill to expedite the collecting Public Taxes defraying the Charges of Government &c^a Endorsed, 28th November 1768, In the upper House read the second time and passed,

On motion ordered the Bill, for establishing a Militia in this Province, be read a third time, Read the same a third time amended passed and ordered to be sent to the Council,

Sent by Mr Robert Howe and Mr Hewes.

Rec^d from the Council the Bill to direct Sheriffs in levying executions, and the disposal of lands goods and chattels taken thereon, Endorsed, 28th November 1768, In the upper House read the third time and passed, Ordered to be engrossed,

Rec^d the following Message from the Council, Viz^t

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

On reading a third time, "The Bill to amend and explain an Act, Intituled an Act, for dividing this Province into six several Districts for establishing a Superior Court of Justice in each of the said Districts, and regulating the proceedings therein, and for providing adequate salaries for the Chief Justice and associate Justices of the said Superior Courts," We observe in the second Section of this Bill relative to the payment of the associates for one year the word *annually* has been omitted to be *deled* in your House agreeable to the intention of the said Bill. We also observe that you have *deled* the clause relative to the non payment of cost of suit by a Plaintiff when the Defendant proves Insolvent, which clause we propose should be *stetcd*; If you agree to these amendments please send two of your Members to see the same made,

28th November 1768. In the upper House.

Received from the Council the following Bills, to wit,

The Bill to amend and continue an Act, Intituled an Act concerning Vestries,

The Bill for preventing the frequent abuses in taking up and secreting stray horses in the counties therein mentioned,

The Bill to continue an Act, Intitled an Act, to amend an Act, for the regulation of the Town of Wilmington,

The Bill to direct Sheriffs in the levying executions and the disposal of goods and chattels taken therein, Endorsed, 28th November 1768, In the upper House read the third time and passed, Ordered to be engrossed.

Mr Fanning moved for leave to present a Bill for lessening the number of public claims, diminishing the public debts and relieving the present burden of taxation on the poor,

Ordered he have leave accordingly.

Mr Fanning presented the above mentioned Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk, passed and ordered to be sent to the Council,

Sent by Mr Robert Howe and Mr Hewes

Mr Bartram moved for leave to absent himself from the service of the House during this Session,

Ordered he have leave accordingly.

Ordered the following Message be sent to the Council,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

In answer to your Message this House agree that the word *annually* shall be stricken out and send Mr Hewes and Mr Johnston to see the amendment made, but cannot agree to the *stet*ing of that clause relative to the non payment of cost of suit by a Plaintiff when the Defendant proves Insolvent, and hope your Honors will pass the Bill with the above amendment

JOHN HARVEY Sp.

28th November 1768.

Then the House adjourned till 10 °Clock tomorrow morning.

Tuesday November 29th 1768.

The House met according to adjournment.

On motion ordered the Bill to amend an Act, Intitled an Additional Act, to an Act to prevent killing Deer at unseasonable times &c^e be read a third time, read the same a third time, amended passed and ordered to be sent to the Council,

Sent by Mr Bradford and Mr Branch.

Rec^d from the Council the Bill for lessening the number of Public Claims, diminishing the weight of Public Debts, and relieving the

present burden of Taxation on the poor, Endorsed, 28th November 1768, In the upper House, read the first time and passed,

And also the following Message, Viz^t.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading a third time the Bill to amend and explain an Act, Intituled an Act, for establishing an Orthodox Clergy, We propose the words *and received* inserted in your House on a third reading be *dedd*, to which if you agree please send two of your members to see those words *dedd* accordingly

29th November 1768.

On motion ordered the Bill for lessening the number of Public Claims diminishing the weight of Public Debts, and relieving the present burden of Taxation on the poor, be read the second time, read the same a second time and rejected.

Ordered the following Message be sent to the Council, Viz^t,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

In answer to your message of this day relative to the Bill to amend and explain an Act Intituled an Act for establishing an Orthodox Clergy, This House cannot agree to *dele* the words *and received*, and hope your Honors will pass the said Bill as sent you from us.

JOHN HARVEY Sp.

29th November 1768.

Sent by Mr Bradford and Mr Branch.

On motion ordered the Bill for altering the times of holding the Inferior Courts of the counties therein mentioned, be read a third time, read the same a third time, passed and ordered to be sent to the Council.

Sent by Mr Bradford and Mr Branch.

Rec^d from the Council the Bill for destroying crows and squirrels in the several counties therein mentioned, Endorsed, 29th November, In the upper House, read the second time and passed.

And the Bill to amend an Act, Intituled an Act, to restrain the keeping too great a number of horses and mares and for amending the breed, Endorsed, 29th November 1768, In the upper House, Read the second time and passed.

Mr Fanning presented several certificates from the Court of Orange County therein recommending William M^cCrackin, Direk Holsenpeak, William Berry, James M^cGoon, James Laterfied, James Thomas and Thomas Cale to be exempt from paying Public Taxes. Granted.

On motion ordered the Bill for destroying crows and squirrels in the several counties therein mentioned, be read a third time, Read the same a third time, amended, passed and ordered to be sent to the Council.

On motion ordered the Bill to amend an Act, Intitled an Act, to restrain the keeping of too great a number of horses and mares, and for amending the breed, be read a third time, Read the same a third time, amended, passed and ordered to be sent to the Council.

Sent the above two Bills by Mr Joseph Jones and Captain Ward.

Mr Fanning moved for leave to absent himself from the service of the House during the Session.

Ordered he have leave accordingly.

On motion ordered the Bill for Triennial Assemblies in this Province be read a third time, Read the same a third time, amended, passed and ordered to be sent to the Council.

On motion ordered the Bill to expedite the collecting public taxes, defraying the charges of Government and other purposes be read a third time, Read the same a third time, amended, passed and ordered to be sent to the Council.

Sent by Mr Rutherford and Mr Phifer.

On motion ordered the Bill for granting to his Majesty a duty on the Tonage of Ships and other Vessels coming into this Province be read a third time, Read the same a third time and Rejected.

The House being acquainted by the Clerk that for want of a proper place for depositing and safe keeping the papers, journal books &c^a of the Assembly several of which in part are eaten by rats and mice and some totally destroyed, and those journals that are perfect lie in small paper books, so that an application of the members of the House and others for papers and copies thereof, proves almost fruitless, Therefore it is

Resolved and ordered that the Clerk of the Assembly provide a House in the Town of New Bern as and for an office for the Clerk of the Assembly for the time being, and that such Clerk lock up all papers in his Custody, belonging to this House, and file the same in order, in proper cases to be by him furnished; and also a large folio book, and enter all the journals since April Session, 1760, therein, for

which House rent service and expence the said Clerk shall be paid by the Assembly, and also for transcribing the said journals into the said book to be furnished as aforesaid, shall have and receive the same allowance for transcripts of the Journals of this House to his Excellency the Governor.

Mr Simpson moved for leave to absent himself from the service of the House during this Session.

Ordered he have leave accordingly.

Then the House adjourned till 10 o'clock tomorrow morning.

Wednesday November 30th 1768.

The House met according to adjournment.

Mr Fanning from the Committee appointed to enquire into the state of the Public Funds reported that by reason of the Assembly being called sooner than was expected they were not sufficiently furnished with vouchers, accounts and proofs, so as to enable the said Committee to make a full and perfect Report this Session, and that they think it necessary that the Committee should be continued to the next Session for further enquiry, at which time they flatter themselves that they will be capable of making a full, true, and just report of the state of the Public Funds. They further Report, that three shillings for the sinking fund will expire in the collection of the Public Tax for the year one thousand seven hundred and sixty eight; to be collected in the year one thousand seven hundred and sixty nine.

On motion, Resolved the said Committee be continued till the next Session of Assembly.

Rec^d from the Council the Bill to amend an Act Intituled an Act to restrain the keeping too great a number of horses and mares, and for amending the breed. Endorsed 29th November 1768, In the upper House, Read the third time and passed. Ordered to be engrossed.

The Bill for appointing commissioners to build a prison pillory and stocks on the lot whereon the Court House now stands in Duplin County. Endorsed 24th November 1768, In the upper House, Read the third time and passed. Ordered to be engrossed.

The Bill to amend and explain an Act Intituled an Act for Establishing an Orthodox Clergy. Endorsed, 29th November 1768, In the upper House, Read the third time and passed. Ordered to be engrossed.

And the Bill to encourage the importation of British copper half pence and for making them a tender for the payment of small debts. Endorsed 28th November 1768, In the upper House, Read the third time and passed. Ordered to be engrossed.

Rec^d from the Council the following Message Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On a third reading of the Bill for establishing a Militia in this Province, We observe you have *deled* part of a clause wherein the pay of the officers is ascertained, but as we can see no reason why officers should not be paid for their service as well as the men whom they are appointed to command, We are of opinion that, that part of the clause *deled* by you should from a principle of Justice as well as policy be again *steted*. If you agree thereto, please send some of your Members to see it done.

30th November 1768, In the upper House.

Ordered the following Message be sent to the Council, Viz^t

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

In answer to your Message of this day, We agree to *stet* that part of the clause *deled* by us in respect to ascertaining the pay of the officers of the Militia, and have therefore sent Mr Johnston and Mr Hewes to see the clause *steted*.

JOHN HARVEY Speaker

30th November 1768.

Rec^d the following Message from the Council Viz^t. —

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading a third time the Bill for the more easy and speedy recovery of small debts and other purposes, We observe that you have *deled* the clause relative to the tryal of rioters &c^a. But as we are highly sensible of the necessity of some such clause for the preservation of the public peace, we herewith send you another, which we propose to insert in the said Bill, and we further propose that appeals be granted on all Judgments of twenty shillings and upwards where a party shall think himself agrieved. If you agree to these amendments please send some of your members to see the alterations inserted in the said Bill.

AMENDMENT

And whereas of late many wicked & dangerous Riots & Insurrections have arisen in different parts of this Province, stirred up and carried on by factious and seditious persons Enemies to the peace & good order of Society and the constitution of their country and encouraged by an expectation of escaping punishment by being rescued out of the custody of the Law by their Confederates & Abettors their offences being Triable by a late Act of Assembly passed at Newbern on the 5th day of December in the year of our Lord one thousand seven hundred & sixty seven Intituled an Act for dividing the Province into six several districts & regulating the proceedings therein & for providing adequate salaries for the Chief Justice & the Associate Justices of the said Superior Court, only in the district wherein the offence is committed; *To the end therefore* that the law may have its due and full effect & that offenders may receive the punishment due to their Crimes *Be it further enacted* by the authority aforesaid that all prosecutions & pleas of the Crown for Riots and insurrections whenever three or more persons shall have been generally concerned in which case it shall and may be lawful for the King's Attorney by & with the consent of one of the Judges of the Superior Court to prosecute such malefactors in any other district than that in which the offence shall have been committed, any thing in the last mentioned Act to the contrary notwithstanding

30th November 1768. In the upper House.

Ordered the following Message be sent to the Council, Viz^t.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL.

In answer to your Message relative to the Bill for the more easy and speedy recovery of small debts, This House agree that there shall be an appeal from the Judgment of the Justice for any sum, above twenty shillings, and have sent Mr Johnston and Mr Hewes to see a Clause inserted for that purpose, but cannot agree to the Clause you propose for altering the jurisdiction of the Superior Courts in particular instances, that Clause being foreign to the Bill and expressly contrary to the sentiments of this House.

JOHN HARVEY, Sp.

30th November 1768.

Rec^d from the Council the Bill to amend and explain an Act, Intituled an Act, for dividing this Province into six several districts, and for establishing a superior Court of Justice in each of the said Districts and regulating the proceedings therein, and for providing adequate salaries for the Chief Justice and Associate Justices of the said Superior Courts, Endorsed 29th November 1768, In the upper House, read the third time and passed; Ordered to be engrossed,

Mr Johnston presented the Petition of John Clitherall which was read, as follows, to wit,

TO THE HONBLE, THE HOUSE OF BURGESSES NOW SITTING AT NEW BERN FOR THE DISPATCH OF PUBLIC BUSINESS,

The Petition of John Clitherall of New Bern, Merchant, Humbly Sheweth,

That on the 22^d of January last your petitioner had a valuable Negro man slave named Nero, stabbed with a knife at the door of his Cabbin in the night time, by one Benjamin Parfitt a Seaman, who after having been in Custody for the said offence made his escape, The said negro slave in a few days afterwards, Viz^t on the 30th of January last died of the stab he received as above mentioned all which your petitioner is ready to prove by sufficient evidences, and therefore humbly prays that he may be allowed his Claims of the value of the said negro, and as in duty bound will ever pray.

JOHN CLITHERALL.

Resolved, the House will not allow any claim of such sort, and rejected the Petition accordingly,

Rec^d from the Council the following Message Viz^t.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

We have read for the third time, the Bill to expedite the collecting Public Taxes, defraying the Charges of Government, and other purposes, and propose the following amendments, Viz^t

That the Debentures to be delivered to the persons to whom the public is indebted, shall not exceed twenty thousand pounds, instead of the sum at present in the Bill.

That the Tax for redeeming the Debentures be only one shilling instead of two shillings as mentioned in the Bill.

That the Gentlemen who sign the Debentures should be allowed what they may pay for the printing or making those Debentures

That the Clause for repealing the Act passed last Session for laying a tax be expunged.

That the forging the Debentures be made felony without benefit of the Clergy, instead of the penalties in the Bill, to which if you agree please to send such of your Members, as you think proper to see the amendment made

30th November 1768. In the upper House.

Rec^d from the Council the Resolve of this House of the 26th Instant relative to the allowance of John Barnes of one hundred pounds, Endorsed 29th November 1768, In the upper House concurred with

JAMES HASELL P. C.

Ordered the said Resolve with the following Message be sent to His Excellency the Governor,

TO HIS EXCELLENCY WILLIAM TRYON ESQUIRE, CAPTAIN GENERAL,
GOVERNOR &c^a

SIR,

This House send your Excellency herewith a Resolve thereof of the 26th Instant relative to an allowance of one hundred pounds to John Barnes; to which His Majesty's Honorable Council have concurred and desire your Excellency will be pleased to assent to the said Resolve,

JOHN HARVEY Sp.

30th November 1768.

Sent by Mr Thos. C. Howe and Mr Jo^s. Moore,

On motion ordered the following Message be sent to the Council, Viz^t.

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

In answer to your Message relative to the Bill to expedite the collecting Public Taxes, defraying the charges of Government and other purposes, This House cannot agree to your making any alterations or amendments in that Bill, it being the undoubted right of this House, to frame all Bills imposing Taxes on the Inhabitants of this Province, and the concurrence of the other Branches of the Legislature is only in compliance with the ordinary forms of business. This House therefore hope as that Bill will tend to restore the peace and tranquility of this Province that your Honors will think proper to pass the same as sent you by this House.

30th November 1768.

JOHN HARVEY Sp.

Sent by Mr Tho^s. C. Howe and Mr Jas. Moore.

Rec^d from the Council the following Message, Viz^t,

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

On reading the third time the Bill to enlarge the time for Sheriffs to settle their accounts with the Justices of the Inferior Courts of pleas and quarter Sessions in the Counties therein mentioned,

We propose to have inserted in the Clause for empowering the Governor to appoint Collectors of Taxes where there are no Sheriffs, after the words *Public Taxes*, the words, *now due or that hereafter may become due from such County*, To which if you agree please send some of your members to see the same inserted.

30th November 1768, In the upper House.

Ordered the following Message be sent to the Council, Viz^t,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL

In answer to your Message relative to the Bill to enlarge the time for Sheriffs to settle their accounts with the Justices of the Inferior Courts of pleas and quarter Sessions of the Counties therein mentioned, This House agree to the amendments by you proposed, and have sent Mr Johnston and Mr Hewes to see the words *now due or that may hereafter become due from such County* inserted in the said Bill.

JOHN HARVEY Sp.

30th November 1768.

In consequence of a Resolve of this House last Session directing the Speaker thereof to furnish for himself the Clerk of this House, and the Council, and officers thereof, necessary robes suitable to their Stations, and a Mace for this House and the Council, &c^a. He had sent to London for Robes, Mace &c^a, but has since received for Answer, that the Macé and the Robes usually worn are of several prices which he laid before the House, and desired the direction thereof, as to the price of the said Mace and Robes; Whereupon the House Resolved that the two silver Maces of about two feet long and gilded weighing about one hundred ounces do not exceed the sum of one hundred and fifteen pounds sterling. and that the Robes for Mr Speaker do not exceed the sum of fifteen pounds sterling.

On motion ordered the Bill to amend the several Acts for the regulation of the Town of New Bern be read the second time, read

the same a second time. Then the motion was made and the question put that the said Bill be rejected and carried in the affirmative.

Then the House adjourned till 4 o'clock in the afternoon.

P. M. The House met according to adjournment.

Rec^d from the Council the Bill for declaring certain lots in the Town of New Bern taken up by the Trustees for promoting the public School in the said Town saved and improved according to Law &c^a, and,

The Bill to amend an Act, for establishing Public Ware Houses in the Town of Halifax and Campbelton for the Inspection of hemp and flax and other purposes, Endorsed, 28th November 1768, In the upper House read the third time and passed. Ordered to be engrossed.

Rec^d from the Council the Bill for establishing a Militia in this Province, and,

The Bill to enlarge the time for Sheriffs to settle their accounts with the Justices of the Inferior Courts of pleas and quarter Sessions of the Counties therein mentioned, Endorsed, 30th November 1768, In the upper House read the third time and passed. Ordered to be engrossed.

Then the House adjourned till 10 o'clock tomorrow morning.

Thursday December 1st 1768.

The House met according to adjournment.

Mr Charlton moved for leave to absent himself from the service of the House during this Session,

Ordered he have leave accordingly

Rec^d from the Council the Bill for establishing a Town on the Lands of Benjamin Wynns on Chowan River,

The Bill for vesting the School House in Edenton in Trustees, Endorsed, 29th November, In the upper House read the third time and passed. Ordered to be engrossed.

The Bill to relieve such persons who have purchased lands sold by executions and have not obtained Titles to the same, Endorsed 28th November, 1768, In the upper House read the third time and passed. Ordered to be engrossed, and,

The Bill to amend an Act Intituled an additional Act, to an Act, to prevent killing Deer at unseasonable times, and for putting a stop to many abuses committed by white persons under pretence of hunt-

ing, and other purposes, Endorsed 29th November 1768, In the upper House, read the third time and passed. Ordered to be engrossed.

Rec^d from the Council the following Message

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY.

In reply to your Message of yesterday, we think ourselves obliged to declare that we have nothing more at heart than to restore the peace and tranquility of this Province, for which reason and to preserve the harmony that at present subsists between the different branches of the Legislature, we are desirous to waive the discussion of the question relative to the rights and priviledges of the respective Houses, and as the Bill for authenticating the debts due from the Public &c^a, could not in its general scope and tendency be deemed a money Bill, without falling within the perview of the Act of Parliament which prohibits the emission of a paper currency, we are willing it should not be considered as such in any respect whatsoever. The objection we have to creating Debentures for so large a sum as thirty thousand pounds are —

1st Because the term implies a debt, or the acknowledgment of one, and it does not appear to us that so great a sum is now actually due to the Public Creditors: The Sum of ten thousand pounds for a Governors House which must be included in the estimate to make up the sum, being already funded and great part of the money advanced upon the faith and security of that Grant, without violation of which it cannot be discharged by Debentures, nor can it be demanded of the Public for two years to come, consequently the payment may, and in the present indigent circumstances of this Province ought to be postponed to the most distant period.

2^{dly} From the inexpediency of issuing so large a sum, the Act will probably be disallowed by His Majesty, which would involve us in great confusion, and probably be attended with loss to the Persons who might receive these Debentures in lieu of Proclamation money.

It might likewise prevent our obtaining permission to emit a sum adequate to our wants, which we flatter ourselves we might have leave to do upon preferring a petition to the Parliament of Great Britain, and

3^{dly} Because the sum of twenty thousand pounds is more than sufficient to defray the expence of the Western expedition, the expence

of running the dividing line, the charge of Garrisons and arrears of Public Officers salaries, the claims of last Session, and what may appear to be due to the close of the present Session for wages and claims allowed by the Committee, together with twelve hundred pounds supposed to be due for Bounties upon hemp; these are the most important services, and the only considerable demands we have at present to provide for and as in consideration to the distresses of the people we are willing to create Debentures to the amount of twenty thousand pounds for these purposes, it must now rest solely with you whether they shall be provided for or not; We therefore hope you will reconsider our proposals with respect to that Bill, and that you will please to send some of your members to make it conformable thereto.

1st December 1768, In the upper House.

Ordered the following Message be sent to the Council, Viz^t.

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

This House have received your reply to our message of Yesterday, and having considered the same, send Mr Montfort, Mr Ashe, and Mr Caswell three of the Members of this House to make the following alterations in the Bill to expedite the collecting Public Taxes, Defraying the charges of Government and other purposes, That the word *thirty* be *deled* and instead thereof the word *twenty* be inserted.

That the tax for redeeming the Debentures remain as in the Bill, but that the word *sixty nine* be *deled* and *seventy one* inserted, which we apprehend will be an easement to the Inhabitants of this Province, and better support the credit of the Debentures.

That the clauses for repealing the Act passed last session laying a two shilling and six penny Tax be Expunged,

That the forging the Debentures be felony without Benefit of Clergy.

This House cannot agree that the Gentlemen who are to sign the Debentures be allowed for their trouble or expences any other sum than that expressed in the Bill,

JOHN HARVEY Sp.

1st December 1768.

Mr Caswell Chairman of the Committee of Public Claims reported that the Committee had settled and allowed the claims due to sun-

dry persons which were read, agreed to by the House and ordered to be sent to the Council

Sent by Mr Jacob Blount and Mr W^m. Haywood.

Then the House Adjourned till 10 o'clock tomorrow morning.

Thursday December 2^d 1768

The House met according to adjournment.

Rec^d from the Council the Bill for destroying crows and squirrels in the Counties therein mentioned, Endorsed, 29th November 1768, In the upper House read the third time and passed. Ordered to be engrossed.

The Bill to Expedite the collecting Public Taxes defraying the charges of Government &c^a

The Bill for altering the times of holding the Inferior Courts of the several Counties therein mentioned, Endorsed, 31st November 1768, In the upper House, Read the third time and passed. Ordered to be engrossed.

Resolved that an humble dutiful and loyal address be presented to his Majesty expressing our duty and affection to his Person, and attachment to his family and Government and praying his most Gracious Interposition in favour of his distressed and oppressed subjects of this Colony, for a repeal of the several Acts of Parliament imposing duties on goods imported into America;

Resolved that Henry Eustace M^cCulloh Esquire be and he is hereby appointed Agent to this Province for one year and from thence to the end of the next Session of Assembly; and that he be empowered and requested to present an Address to his Majesty for the repeal of the several Acts of Parliament imposing duties on Goods imported into America, and transact such other Business as may from time to time be recommended to him by the Committee of Correspondance under the direction of this House.

Resolved, that John Harvey Esquire Speaker, Joseph Montfort, Samuel Johnston, Joseph Hewes and Edward Vail Esquires be a Committee of Correspondance to correspond with the said Agent, and that they or the Majority of them from time to time, report such their Correspondance to the Assembly with every document, paper and writing relative to the same, that they may be informed of every circumstance necessary for the benefit of this Province.

Resolved the following Message be sent the Council, Viz^t,

GENTLEMEN OF HIS MAJESTYS HONORABLE COUNCIL, VIZ^t,

This House herewith send you two Resolves thereof, of this day, respecting the appointment of an Agent, and also a Committee of Correspondance and desire your Honors concurrence thereto.

2^d December 1768.

JOHN HARVEY Speaker.

Resolved the following Message be sent to his Excellency the Governor, VIZ^t,

TO HIS EXCELLENCY WILLIAM TRYON ESQUIRE, CAPTAIN, GENERAL,
GOVERNOR, &c^a,

SIR,

This House having appointed an Agent by Resolve, intend among other circumstances of Instruction to direct him to solicit his Majesty and his Parliament for permission to emit a paper currency, and relying on your Excellency's known Goodness, presume humbly to request that you would favour us with your Interest, and influence, and in case we are happy enough to obtain our request that your Excellency would be graciously pleased to take the affair under your direction in the same manner you so kindly intended to do in consequence of our petition to his Majesty the last Session of Assembly.

JOHN HARVEY Sp.

Sent by Mr Howe and Mr Knox.

Mr Hewes from the Committee appointed to settle and allow the charges of the Troops under his Excellencys Command at the Hillsborough Expedition, Reported, that the Committee had met and settled the said charges and laid the same before the House, which were read and approved of by the House, as p. a general account returned by the Committee to this House.

Then the House adjourned till 4 o'Clock in the afternoon.

P. M. The House met according to adjournment.

Resolved the following Message be sent to the Council, VIZ^t

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

We send you herewith an account of the expences allowed by this House, to the Troops assembled at Hillsborough under the Command of His Excellency the Governor which this House desire your Honors concurrence thereto,

2^d December 1768.

JOHN HARVEY Sp.

Sent by Mr Phifer and Mr Bryan,
Mr Spier moved for leave to absent himself from the service of the House tomorrow,

Ordered he have leave accordingly.

Then the House adjourned till 10 'Clock tomorrow morning.

Saturday December 3d 1768.

The House met according to adjournment.

Received from the Council the following Message Viz,

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

We think it our duty before the present Assembly breaks up to express our sense of how grateful it would be to the people in general and how conducive to quiet the minds and silence the clamours of many who think themselves agrieved in the management of Public Monies, if some proper persons (with full power to call for such persons, papers and vouchers as may be necessary) during the recess to examine and report the state of the Public Funds, and Taxes at our next meeting, that the people in General may be acquainted therewith, and that if it should appear that the circumstances of the Country will admit it they may be relieved from some part of their present burdens.

Be pleased therefore to consider thereof, and if you think proper make such Resolve as may answer the purposes intended,

3^d December 1768, In the upper House.

Resolved the following Message be sent to the Council Viz

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL.

In answer to your Message of this day relative to this House appointing persons to examine into the state of the Public funds and reporting the same at our next meeting, We now inform your Honors that at the first Session of this Assembly a Committee was appointed for the purposes you mention in your said Message which Committee have reported that on account of the so early meeting of this present Session they were prevented proceeding in their inquiry. Therefore this House this Present Session have Resolved, that the said Committee be continued 'till next Session of Assembly, at which time we have reason to hope a full and perfect account will be reported by the said Committee, of the state of the Public Funds,

3^d December 1768.

JOHN HARVEY Sp.

Rec^d from the Council the following Message Viz^t

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

This House have taken under consideration the general account of your allowance for the pay, subsistence &c^a of the Troops at Hillsborough in September last, as we think those Troops deserve some encouragement more than you allowed for their diligence, loyalty and decent behaviour; we should be glad you would make a Resolve of your House that the Treasurers should pay to the Governor such sum as you may think proper to be by his Excellency distributed amongst the Troops.

We must also recommend to your consideration the Reverend Mr Micklejohn who preached to the Troops at Hillsborough printed and dispersed several copies of one of the sermons on the important occasion

3rd December 1768, In the upper House.

Rec^d the following Message from His Excellency the Governor Viz^t.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY,

I return you the Resolve for allowing John Barnes, one hundred pounds in consideration of his public service which said Resolve I have concurred with,

W^m. TRYON.

Resolved the following Message be sent to the Council, Viz^t,

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL.

In answer to your Message relative to the pay of the Troops who assembled at Hillsborough, This House cannot agree to any further allowance to them than that sent you from us, and as to the other part of your Message, We do agree that the Treasurers pay the expence of printing those sermons preached by the Reverend George Micklejohn sent to this House by his Excellency this Session.

JOHN HARVEY Sp,

3rd December 1768.

Rec^d from the Council the Account of the expenses incurred by the pay, subsistence &c^a of the Troops at Hillsborough sent them yesterday for concurrence, Endorsed, 3rd December 1768, In the upper House concurred with.

JAMES HASELL, P. C.

Sent the estimate of allowances to the Members of Assembly this present Session to the Council for Concurrence by Mr Lemon and Mr Branch.

Mr Harnett from the Committee of Accounts reported that the Committee had settled and allowed sundry Public Accounts, which he laid before the House, were read and approved of by the House, and ordered to be sent to the Council for Concurrence

Sent by Mr Knox and Mr Cray,

Mr Howe and Mr Vail waited on his Excellency the Governor to acquaint him the House desire to know when they shall wait on him with the Engrossed Bills, being returned brought for answer that His Excellency would send a Message to the House to let them know when he would receive them,

His Excellency the Governor sent a Message to the House desiring the immediate attendance thereof in the Council Chamber.

Mr Speaker with the House waited on His Excellency the Governor in the Council Chamber with the following Bills, to wit,

The Act to Expedite the Collecting Public Taxes, defraying the charges of Government and other purposes,

The Act to amend and explain an Act Intituled an Act for establishing an Orthodox Clergy,

The Act to amend and continue an Act, Intituled an Act, concerning Vestries.*

The Act for establishing a Militia in this Province,

The Act to direct Sheriffs in levying executions and the disposal of land, goods and chattels taken thereon,

The Act to amend and explain an Act for dividing this Province into six several Districts, and for establishing a superior Court of Justice in each of the said Districts and regulating the proceedings therein, and for providing adequate salaries for the Chief Justice and the Associate Justices of the said Superior Courts,

An Act to relieve such persons who have purchased lands sold by execution and have not obtained Titles to the same.

An Act to enlarge the time for Sheriffs to settle their accounts with the Justices of the Inferior Courts of pleas and quarter Sessions of the Counties therein mentioned,

An Act to amend the Act, for establishing Public Ware Houses in the Towns of Halifax and Campbelton for the inspection of hemp and flax, and other purposes,

An Act to amend an Act, Intituled an Act, to restrain the keeping of too great a number of horses and mares, and for amending the breed,

An Act for dividing the County of Mecklenburg and other purposes

An Act for establishing a Town in the County of Mecklenburg.

An Act for establishing a Town on the Lands of Benjamin Wynns on Chowan River,

An Act to amend an Act, Intituled an additional Act, to an Act, Intituled an Act, to prevent killing Deer at unseasonable times and for putting a stop to many abuses committed by white persons under pretence of hunting and other purposes,

The Act for preventing abuses in taking up and secreting of stray Horses in the Counties therein mentioned.

The Act to encourage the importation of British Copper half pence and for making them a tender for the payment of small debts.

The Act for appointing Commissioners to build a prison, pillory and stocks on the lot whereon the Court House now stands in Duplin County.

The Act to continue an Act Intituled an Act to amend an Act Intituled an Act for the regulation of the Town of Wilmington.

The Act for declaring certain lots in the Town of New Bern taken up by the Trustees for promoting the public school in the said Town saved and improved according to Law, and to empower the said Trustees to collect the Subscriptions due to the said school.

The Act for vesting the School House in Edenton in Trustees.

The Act for destroying crows and squirrels in the several Counties therein mentioned.

The Act for altering the times for holding the Inferior Courts of pleas and quarter Sessions in the several Counties therein mentioned.

To all which his Excellency was pleased to assent, except,

The Bill to expedite the collecting Public Taxes, defraying the charges of Government and other purposes, and,

The Bill for vesting the School House in Edenton in Trustees.

And then made a Speech to his Majestys Honorable Council and this House.

Then the House returned, and Mr Speaker reported to the House, That his Excellency had assented to the aforementioned Acts, except as before excepted, and made a Speech to his Majestys Honorable

Council and this House, a copy of which to prevent mistakes he had obtained, which he laid before the House, The same was read, and ordered to be entered on the Journal of this House, and is as follows, to wit,

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL, MR SPEAKER
AND GENTLEMEN OF THE HOUSE OF ASSEMBLY.

I thank you for the business that has passed through this Session. I should have been extremely happy if you had left it in my power to have concurred with you for the immediate payment of the Troops at Hillsborough, but as the Act for granting Debentures is expressly within the Letter and meaning of the Act of Parliament prohibiting the emission of paper currency with a legal tender, I am constrained to reject it, as a contrary conduct would so directly tend to the injury of my Honor and Fortune. I shall, however, lay before his Majesty an impartial statement of the situation of this Country, that he may in his wisdom provide a proper remedy.

W^m. TRYON.

Rec^d from the Council by Mr Burgwin the report of the Committee of Accounts sent them this Day, and also the estimate of allowances due and payable to the Members of Assembly, Clerk and officers of this House, and several others, Endorsed, 3^d December 1768, In the upper House, read and concurred with.

JAMES HASELL, P. C.

Resolved the following Message be sent to his Excellency the Governor, Viz^t,

TO HIS EXCELLENCY WILLIAM TRYON ESQUIRE CAPTAIN, GENERAL,
GOVERNOR &c^a,

SIR,

This House herewith send you the estimate of the allowances due and payable to the Members of this House, Clerk Officers and others, which is concurred with by his Majesty's Honorable Council. This House therefore request your Excellency will be pleased to assent to the said Estimate

JOHN HARVEY, Sp.

Received from the Council the report of the Committee of Claims sent them the 1st Instant, Endorsed, 3^d December 1768, In the upper House — the foregoing reports were read and concurred with,

JAMES HASELL, P. C.

Then the House adjourned till 10 o'clock Monday Morning.

Monday December 5th 1768.

The House met according to adjournment,

On motion Resolved the following Address be transmitted to the Agent of this Province by the Committee of Correspondence to be laid before his Majesty, to wit,

TO THE KINGS MOST EXCELLENT MAJESTY,

The Humble Petition and Remonstrance of the Assembly of North Carolina

Most Gracious Sovereign,

We your Majesty's most dutiful and loyal subjects the representatives of the Free People within your Province of North Carolina, with hearts filled with affection for the best of Kings, and with the fullest confidence of your Majesty's personal regard; beg leave Humbly to approach your Royal Throne, to offer our supplications in behalf of ourselves and our constituents, the which we are disposed to do, from the fullest conviction, that as your Majesty is peculiarly distinguished by reigning over free men so you will ever be attentive to their just complaints and remonstrances, and when addressed with a becoming spirit of humility and gratitude, be ready as far as in your power lies to relieve them, and to suffer your Majesty's Subjects throughout your extensive dominions in America to enjoy those Glorious Liberties and Privileges, which they derive to themselves in common with your Majestys British Subjects, from a most Excellent Constitution at the head of which your Majesty is most happily placed, and for the preservation whereof, they would at any time sacrifice their lives and hazzard their Fortunes,

Animated therefore by these considerations and duly impressed with a sense of their importance, at the same time hoping for every blessing from your Majesty's wisdom and goodness, We take leave gratefully to express the sensibility we have of the many obligations conferred on us, by your Majesty and humbly to remonstrate that we conceive we have ever been ready in making a due acknowledg-

ment of them, and when it has been found necessary to levy supplies within this Colony requisitions have been made by your Majesty or your Royal Predecessors conformable to the rights of this people, and by them chearfully and liberally complied with. We therefore humbly beseech your Majesty to do us the Justice to believe that on any future demand of a necessary supply for the support of Government or defence of your Majestys Dominions, the Inhabitants of this Province will with the utmost chearfulness and alacrity contribute their full quota, but humbly conceive that their Representatives in Assembly can alone be the proper Judges not only what sum they are able to pay, but likewise of the most eligible method of collecting the same,

Our Ancestors at their first settling, amidst the horrors of a long and bloody war, with the Savages, which nothing could possibly render supportable but the prospect of enjoying here that freedom which Britons can never purchase at so dear a rate, brought with them inherent in their persons, and transmitted down to their posterity, all the rights and liberties of your Majesty's natural born Subjects within the parent State, and have ever since enjoyed as Britons the privileges of an exemption from any Taxations but such as have been imposed on them by themselves or their Representatives, and this Privilege we esteem so invaluable that we are fully convinced, no other can possibly exist without it. It is therefore with the utmost anxiety and concern we observe duties have lately been imposed on us by Parliament for the sole and express purpose of raising a Revenue, This is a Taxation which we are firmly persuaded the acknowledged Principles of the British Constitution ought to protect us from, Free men cannot be legally taxed but by themselves or their Representatives and that your Majesty's Subjects within this Province are represented in Parliament we cannot allow, and are convinced that from our situation we never can be, under these circumstances to have the privileges of granting our own Money for the support of your Majestys Government taken from us is entirely to deprive us of the means of showing our invincible attachment to your Majesty's Royal person and family, and of recommending ourselves to your Gracious favour and protection.

We humbly beg leave to assure your Majesty that your Loyal People of this Colony are far, very far from pretending to deny their

subordination to that August Body the Parliament of Great Britain or their dependance on their Parent Kingdom.

We know that our happiness consists in our connections with them, and in the settlement of our Liberties under the auspicious Influence of your Royal House. We chearfully acknowledge ourselves bound by the Ties of Allegiance to your Majesty and sincerely pray that there never may be wanting a Prince of the Brunswick Line to sway the British Sceptre, to the latest Posterity, and humbly hope, that your Majesty's faithful Subjects of this Colony have an Equitable claim to the full enjoyment of the Fundamental rights of the British Constitution.

Most Gracious Sovereign,

As we are truly sensible of your Majesty's Royal care in procuring for all your subjects a prosperity equal to your affection for them, We are encouraged with the greatest humility, to pray that your Majesty will be graciously pleased to take these our remonstrances and the state of this Province under your Royal consideration, and to afford us such relief, as your Majesty in your great Wisdom shall judge most proper, and your Petitioners as in duty bound shall ever pray &c.^a

By order of the House of Assembly.

JOHN HARVEY Speaker.

NORTH CAROLINA NEW BERN, December 2nd 1768.

Mr Robert Howe moved for leave to present a Bill making provision for the payment of Forces raised to suppress the late Insurrection on the Western Frontiers, Providing for the Public Claims, and for the more easy collecting the annual Taxes of Government.

Ordered he have leave accordingly.

Mr Howe presented the said Bill which he read in his place and delivered in at the Table where the same was again read by the Clerk, passed and ordered to be sent to the Council.

Sent by Mr Vail and Mr Lloyd.

Rec^d from the Council the Bill making provision for the payment of Forces raised to suppress the late Insurrection on the Western Frontiers, providing for the public claims &c^a, Endorsed, 5th December 1768, In the upper House read the first time and passed.

On motion ordered the Bill making provision for the payment of Forces raised to suppress the late Insurrection on the Western

Frontiers &c^a, be read the second time, Read the same a second time, passed and ordered to be sent to the Council.

Sent by Mr Jacob Blount and Mr Blinn.

Resolved that it is the opinion of this House that the Tax of one shilling p poll for sinking the £12,000 granted in the year 1760, and the tax of two shillings p poll for sinking the £20,000 granted in the year 1761, have had their effect, and ought not henceforth to be collected.

Resolved the following message be sent to the Council. Viz^t

GENTLEMEN OF HIS MAJESTY'S HONBLE COUNCIL,

We send you herewith a Resolve of this House relative to the Tax for sinking the £12,000 granted in the year 1760, and the Tax for sinking the £20,000 granted in the year 1761, and desire your Honors concurrence thereto,

5th December 1768.

JOHN HARVEY Sp.

Sent by Mr Dawson and Mr Barron,

Rec^d from the Council the Bill making provision for the payment of Forces raised to suppress the late Insurrections on the Western Frontiers, providing for the Public Claims &c^a Endorsed, 5th December 1768, In the upper House read the second time and passed.

On motion ordered the Bill making provision for the payment of Forces raised to suppress the late Insurrection on the Western Frontiers, providing for the Public Claims &c^a be read the third time, Read the same a third time, passed and ordered to be sent to the Council

Sent by Mr Dawson and Mr Barron

Resolved the following Message be sent to His Excellency the Governor, Viz^t,

TO HIS EXCELLENCY WILLIAM TRYON, ESQUIRE, CAPTAIN, GENERAL GOVERNOR &c^a,

SIR,

This House have received your Excellency's Message relative to the Reverend George Micklejohn, with one hundred Copies of a Sermon preached by him at Hillsborough, and in his behalf presented by your Excellency to the House. in consequence of which we have Resolved that the Expence of printing the said Sermon be paid by the Public.

This House have likewise received your Excellency's Message relative to James Kennedy, and are sorry the circumstances of his case are not such as come within the relief of this House. We have also taken every other message and Paper your Excellency has been pleased to lay before us, under our consideration and have determined upon them as we thought consistent with the duty of our Station, but from the hurry of business, have not before had it in our Power to acquaint your Excellency with our determinations thereon

JOHN HARVEY Sp.

5th December 1768.

Resolved that Mr David Gordon be allowed, and paid the sum of fifteen pounds for sundry services done by him this Session exclusive of Engrössing seven Bills allowed for on the Estimate this Session, and also that the sum of twenty pounds be allowed and paid to the Trustees of the Public School in New Bern for a room for the Assembly this Session, omitted to be allowed on their Estimate

Resolved the following Message be sent to his Majesty's Honble Council, Viz^t

GENTLEMEN OF HIS MAJESTYS HONBLE COUNCIL,

We herewith send you a Resolve of this House for allowing David Gordon the sum of fifteen pounds for his services done this Session as p. the Resolve, and also the sum of twenty pounds to the Trustees of the Public School in New Bern for the use of a room for the Assembly this Session and desire your Honours Concurrence,

5th December 1768.

JOHN HARVEY Sp.

Sent by Mr Robert Howe and Mr Polk.

This House convinced of the necessity of a fair and just statement of the Public Accounts and Funds, have Resolved that John Burgwin Esquire be appointed to examine and state the same from the year 1748, and that he report the same to this House, at their next Session, and to enable him to perfect the same, It is further Resolved that the Treasurers and all other persons having any public papers in their hands do supply him with such documents or papers as he may judge necessary on his applying to them for the same, and the expence of procuring such papers to be paid by the Public.

Then the House Adjourned for an hour,

The House met according to Adjournment.

Rec^d from the Council the two Resolves of this House sent them this day, Endorsed,

5th December 1768. Concurred with.

JAMES HASELL, P. C.

Resolved the following Message be sent to his Excellency the Governor, Viz^t.

TO HIS EXCELLENCY WILLIAM TRYON, ESQUIRE, CAPTAIN GENERAL, GOVERNOR, &c^a

SIR: We send your Excellency herewith two Resolves of this House of this day to which his Majesty's Honble Council have concurred, and desire your Excellency will be pleased to assent thereto

JOHN HARVEY Sp.

Sent by Mr Howe and Mr Polk.

Rec^d the following Message in writing from His Excellency, Viz^t

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

In answer to your Message of this day I am to assure you I shall with pleasure do my best endeavours to promote your solicitation to his Majesty and his Parliament for permission to emit a paper currency, and if obtained shall order the commission you trusted to my care last Session to be carried into immediate execution.

5th December 1768.

W^m. TRYON.

His Excellency the Governor sent a Message to this House desiring the immediate attendance thereof, in the Council Chamber.

Mr Speaker with the House waited on His Excellency in the Council Chamber, and Mr Speaker presented the Bill making provision for the payment of the forces raised to suppress the late Insurrection on the Western Frontiers, providing for the Public Claims, &c^a, To which his Excellency was pleased to assent, and returned the Resolve of this House of this day relative to an allowance to Mr David Gordon of £15 and twenty pounds to the Trustees of the School House in New Bern for a room, for the Assembly, Endorsed

5th November 1768. Concurred with.

W^m. TRYON.

And then made a Speech to this House; The House returned and Mr Speaker reported that His Excellency had assented to the above mentioned Bill and made a Speech to this House, a copy of which

he had obtained, and laid the same before the House, which was read and ordered to be entered on the Journal of the House as follows, Viz^t,

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF ASSEMBLY,

As I have never seen any statement of the public Accounts this Session, I can have no opinion whether the Taxes you mention in your Resolve have had their effect or not, Therefore I cannot give my assent to that Resolve sent with your Message of this day.

5th December 1768.

W^m. TRYON.

Then His Excellency was pleased to Prorogue this Assembly till the ---- day of June next, to be then held at New-Bern.

[B. P. R. O. JOURNALS. B. T. VOL. 76.]

BOARD OF TRADE JOURNALS.

At a meeting of His Maj. Comm^{rs} for Trade & Plantations

Friday January 22^d 1768.

Present

Lord Clare

M^r Jenyns

M^r Rice

M^r Fitzherbert

M^r Robinson

[P. 16.]

The Secretary laid before the Board the copies of several Orders of Council upon the business of the Plantations Viz^t:

Order in Council dated 26th June 1767 repealing three Acts passed in the Province of North Carolina in 1764.

[P. 25.]

Wednesday January 27th 1768.

Read and considered an Act passed in North Carolina in 1766 entitled an Act for confirming a lease made by the Tuscarora Indians to Robert Jones, William Williams and Thomas Pugh Esq^{rs}, together with Sir Matthew Lamb's report thereupon. It appearing that the said Act had relation to the interests and property of Earl Granville it was ordered that a copy of it should be sent to his Lordship and that he be desired to acquaint the Board whether he has any objection to it.

[P. 32.]

Tuesday February 2^d 1768.

Representation to His Majesty upon the letter from the Gov. of North Carolina relative to a Court of Exchequer in that Colony referred by letter from the Earl of Shelburne mentioned in the Minutes of the 17th Dec^r last was approved and ordered to be transcribed — and was signed Feb^r 4th.

[P. 66.]

Tuesday April 12th 1768

Several letters and papers received since the Board's adjournment were laid before the Board and read Viz:—

Letter from Gov^r Tryon to the Board dated 18th July 1767 transmitting Minutes of Council 11th & 12th July 1767 and also from 15th to 27th April 1767

Letter from Gov^r Tryon to the Board dated 22^d Dec. 1767 relative to the death of one of the Officers of His Maj. Customs in that Province and the appointment of others.

[P. 100.]

Friday May 6th 1768

The following letters & papers received from the Colonies since the last Meeting of the Board were read Viz:—

Letter from Gov. Tryon to the Board dated 1st Feb. 1768 acknowledging the receipt of the King's Order and Instruction relative to Acts for establishing an Orthodox Clergy.

[P. 111.]

Thursday May 19th 1768

The following letters and papers received from the Gov. of North Carolina were laid before the Board Viz:—

Letter from Gov. Tryon to the Board dated 2^d Feb. 1768 relative to the expediency of a new emission of paper currency in that Province and inclosing Resolutions of the Council & Assembly Petition of a Committee of both Houses of Assembly to the King respecting paper currency Copy of an Address of the two Houses of Assembly of North Carolina to the Gov^r 16th Jan. 1768 praying him to transmit their petition to the King

[P. 114.]

Tuesday May 31st 1768

Twenty seven Acts passed in North Carolina in Jan^r 1768 were

laid before the Board and ordered to be referred to Sir Matthew Lamb for his opinion thereupon in point of law.

[P. 122.]

Friday June 10th 1768

The following letters & papers were laid before the Board & read Viz:—

Letter from Gov^r Tryon to the Board dated 14th March 1768 relative to his appointment of Associate Justices

Letter from Gov. Tryon to the Board dated 13th March 1768 transmitting Minutes of Council held at Wilmington from 14th to 27th Oct. 1767

D^s from 14th Dec. 1767 to 16th Jan^y 1768.

Copy of the Council Journals 1st March 1768.

Reports of the Committee of Accounts

[P. 126.]

Wednesday July 6th 1768

Read the following letters received since the last Meeting from the Earl of Hillsborough one of His Majesty's principal Secretaries of State, Viz:—

Letter from the Earl of Hillsborough dated 12th June 1768 transmitting Copy of a letter from Gov^r Tryon to the Earl of Shelburne dated 7th March 1768 containing his Observations on several Acts passed in the Province of North Carolina in the last Session of Assembly.

[P. 131.]

Letter from Gov^r Tryon to the Board dated 5th March 1768 requesting the King's directions with regard to issuing a Writ for the election of a new Member of the Assembly in the room of one who has resigned his seat therein & recommending them to his Maj. favour.

Estimates of the expence of running the Cherokee Boundary Line

Journal of the Upper House of Assembly from 5th Dec. 1767 to 15th Jan 1768

Journal of the Lower House of Assembly from 5th Dec. 1767 to 16th Jan^y 1768

Letter from Gov. Tryon to the Board dated 6th March 1768 transmitting Journal of the Upper House of Assembly from 6th Dec. 1767 to 15th Jan^y 1768

Letter from Gov. Tryon to the Board dated 7th March 1768 containing his observations on several Acts lately passed in that Province

An Act to amend the several Acts for regulating the Town of New Bern and for other purposes.

Letter from Gov. Tryon to the Board dated 12th April 1768 relating to the conduct of Mr Fuller Master of the *Aurora* Brig whom he believes to have been guilty of a breech of the Acts of trade

Attested copies of papers that Mr Fuller produced & lodged in the Custom House Office of the Port of Brunswick

[P. 150.]

Monday July 18th 1768

The Secretary laid before the Board the following Duplicate papers Viz:—

Letter from Gov. Tryon to the Board dated 15th June 1768 transmitting Land Office Patents granted at April Court of Claims 1768

[P. 172.]

Thursday August 4th 1768

The Earl of Hillsborough communicated to the Board by His Maj. command two letters from the Gov^r of No. Carolina and a petition to his Majesty of the Council of that Colony therein referred to praying for an allowance out of the Quit Rents similar to that which is allowed out of the Quit Rents of Virginia

Ordered that the Draught of a Representation to his Maj. thereupon be prepared which was approved [P. 175,] next day & ordered to be transcribed

[P. 199.]

Monday October 24th 1768.

The Secretary laid before the Board the following letters & papers received from his Maj: Colonies in North America during the recess of the Board Viz:—

Letter from Governor Tryon to the Board dated 25th April 1768 transmitting a Memorial of the Council to the King in Council praying that such allowance may be made to them as made for the like services in Virginia.

Address of the Council of North Carolina to the Governor.

Letter from Gov. Tryon to the Board dated 16th June 1768 relating to some disturbances which have happened in the Counties of Orange and Anson and the Address of the Colony for a paper currency.

Letter from Gov. Tryon to the Board dated 17th June 1768 relating to Manufactures in that Province.

Minutes of Council from March 29th to May 17th 1768.

D^o on May 31st and June 4th 1768.

M^r McCulloh's Observations on the Indian Lease Act passed in North Carolina.

[P. 208.]

Thursday October 27th 1768.

M^r McCulloh attended in behalf of the persons interested in an Act passed in North Carolina in Nov: 1766 for *confirming a Lease made by the Tuscarora Indians to Robert Jones &c.*, and urged several reasons to their Lordships in support of the said Act which he prayed might be reported by the Board for his Maj: royal confirmation.

M^r McCulloh being withdrawn the Secretary acquainted the Board with the steps which have been taken upon this Law and with the letter thereupon wrote by order of the Board to Earl Granville.

Ordered that the Secretary do write again to Earl Granville^e reminding him of the former letter acquainting him of the application made by the persons interested in the Law and that their Lordships will shortly lay it before his Majesty for confirmation unless his Lordship should signify any objection thereto and desire to be heard upon it.

[P. 222.]

Friday November 11th 1768

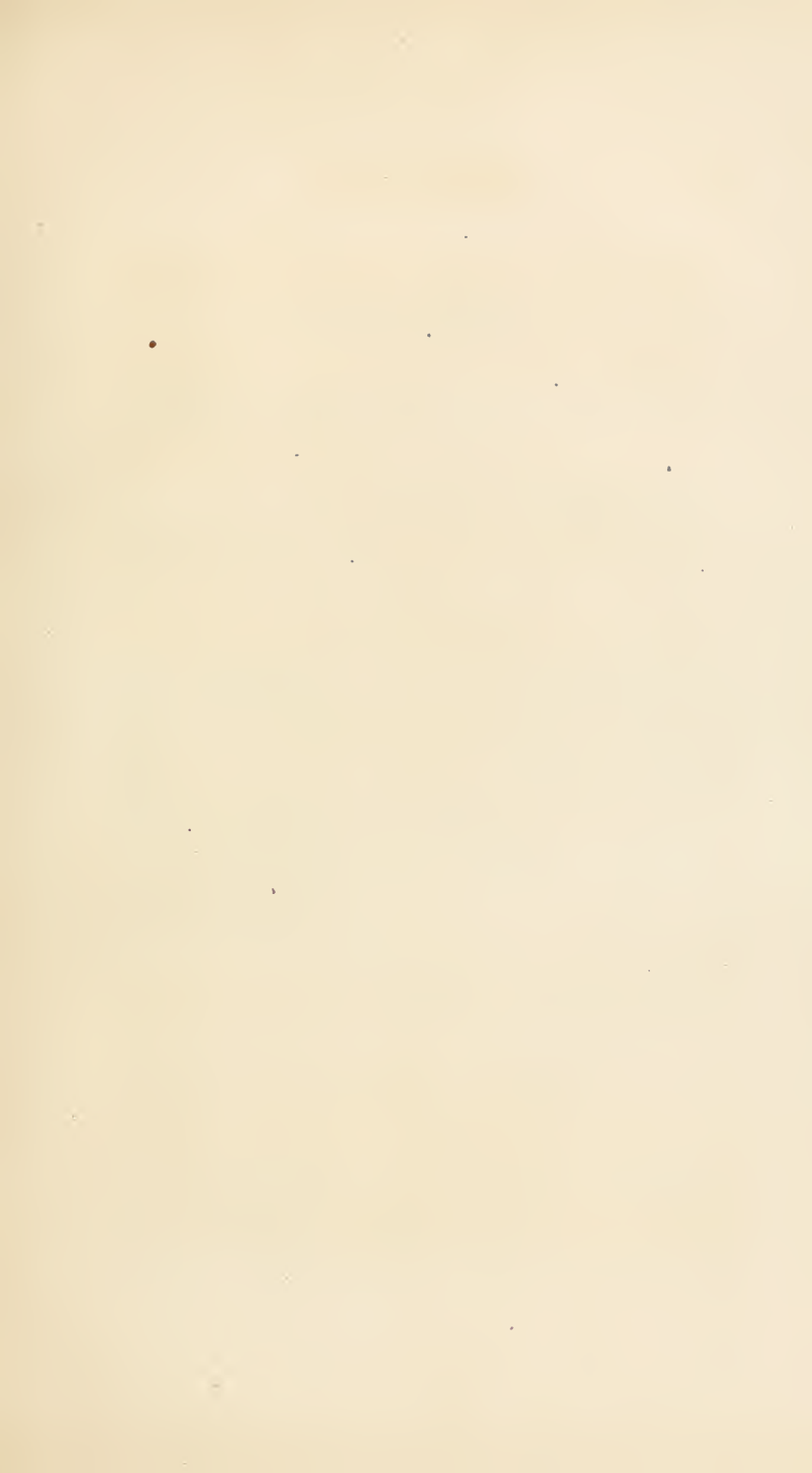
The Secretary laid before the Board several copies of Orders of Council received from the Clerk of the Council Viz:—

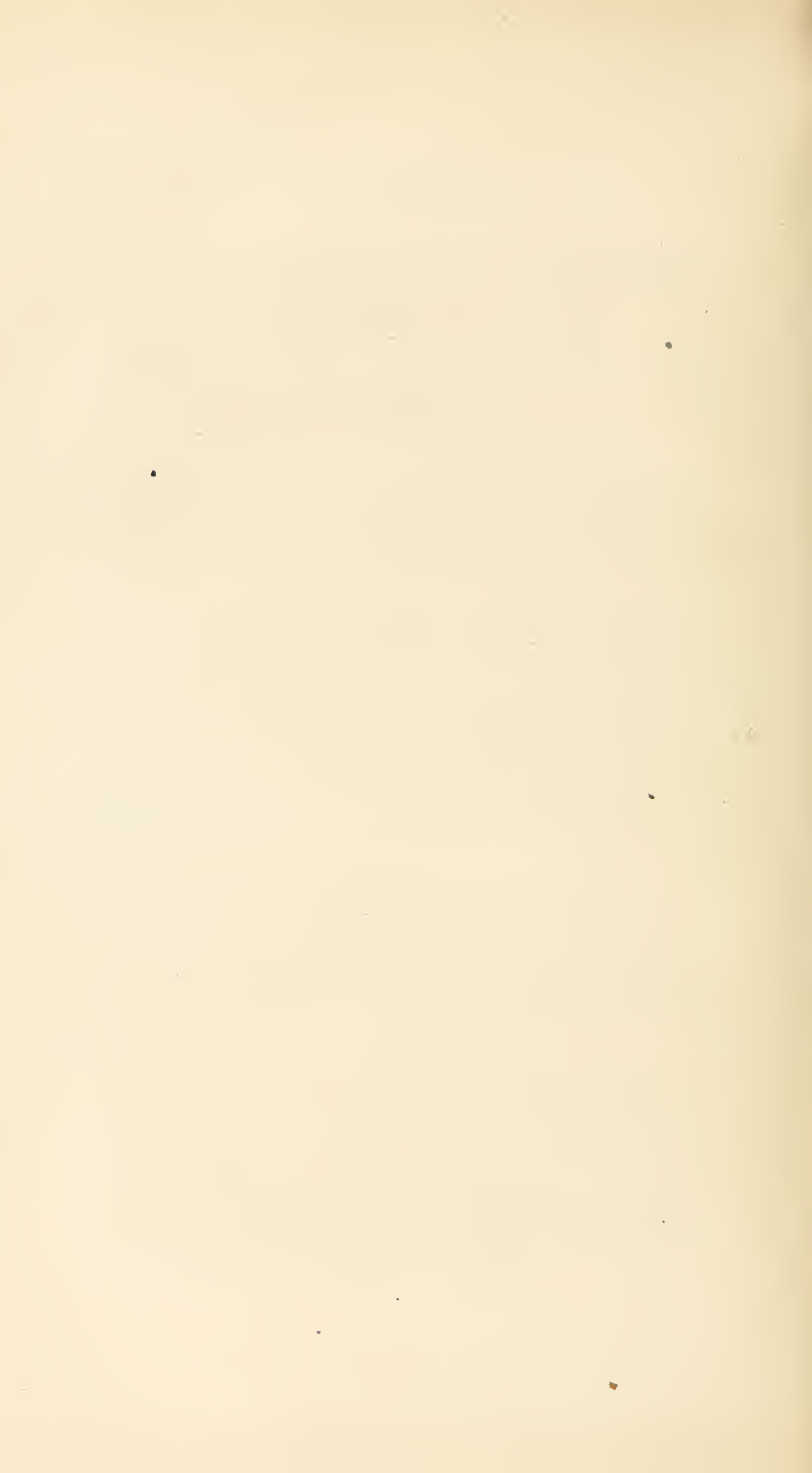
Order of the King in Council dated Feb. 1st 1768 directing that Henry McCulloh and his Associates, and Tenants shall not at any time pay quit rents for certain escheated and surrendered lands in Nor. Carolina

[P. 225.]

Thursday November 17th 1768

The Secretary having acquainted the Board that he had received no Answer to the letter wrote by him to Earl Granville by order of the Board on the subject of the Act of Nor. Carolina *for confirming a Lease of lands from the Tuscarora Indians* it was ordered that the Draught of a Representation to His Maj. should be prepared proposing that the said Act may be confirmed [p. 227,] which was approved transcribed and signed on 22^d Nov. 1768.





APPENDIX.

GOVERNOR TRYON'S CHEROKEE BOUNDARY EXPEDITION IN 1767.*

[B. P. R. O. AMERICA AND WEST INDIES: NO. 214.]

A Copy of His Excellency Governor Tryon's Orders to the Escort, which escorted him to the Western Frontiers of the Province to meet the Cherokee Indians.

Salisbury May 19th 1767.

Parole—King George.

Officers appointed to the detachment from the Regiments of Rowan and Mecklenburgh Counties, ordered by His Excellency to escort him to the Western Frontiers of this Province to wit, Colonel Hugh Waddell to be Colonel Commandant of the Escort, Lieutenant Colonel John Frohock to command the detachment from Rowan Regiment, Lieutenant Colonel Moses Alexander to command the detachment from Mecklenburgh Regiment.

The detachment from each Regiment to consist of one Captain, one Lieutenant and one Ensign, one Sergeant, two Corporals, one drummer and twenty five private men. The Officers to be upon the same Establishment and entitled to the same pay as Officers in His Majesty's service, Each Sergeant to be allowed three shillings and sixpence, each Corporal three shillings, each Drummer three shillings and each private man two shillings and eightpence proclamation money per diem, for himself and horse, till discharged, their pay to commence from the 18th day of May and continue till dismissed the service.

The Officers and Troops will observe the same Orders and regulations and be under the like discipline, with His Majesty's regular Forces.

Staff Officers appointed for the service. Edmund Fanning Esq^r. Adjutant General Isaac Edwards Aid de Camp to His Excellency The Rev: M^r John Wills Chaplain to the Escort.

The Adjutant General to take rank and receive pay as Colonel.

*Received too late for proper chronological arrangement.—EDITOR.

The Aid de Camp and Chaplain to receive pay agreeable to the Establishment among the Regulars.

Mr William Frohock appointed Commissary to the Escort during the Service who is to supply the Escort with one a half pound of beef and one pound of flour to each Officer, non commissioned Officer and private men at the rate of tenpence proclamation money per diem, and further that he supply His Excellency, the Commissioners and Retinue with Provisions during the Service, for which and his extra expenses of carriages, and attendance he is directed to produce his account to His Excellency the Governor when called upon to be layd before the General Assembly as a claim upon the Publick.

The Commissary is also directed to provide Cattle and Live Stock to be drove for the use of the Escort and to carry flower for one hundred men for the space of five weeks.

A Sergiant and six men ordered to mount guard immediately. The Court House to be the Guard Room. The Mecklenburgh Detachment will furnish the Guard to-day and be relieved to-morrow morning at 10 o'clock by the same number of men from the Rowan detachment.

Ordered that a list of the names of the Officers, non commissioned Officers and private men belonging to each detachment be delivered to the Adjutant General to-morrow morning at 10 o'clock.

Salisbury May 20th

Parole—North Carolina.

The Commissary of provisions is ordered to furnish four waggons to attend the Escort, viz: two for carrying flower and provisions, one for the baggage of His Excellency, the Comm^r the Colonel Commandant and Adjutant General, and one to carry Usquebaugh and ammunition for the men, the baggage of Lieutenant Col. Moses Alexander, the Officers of the Escort and as much of the baggage of the Volunteers as it can conveniently take.

It is recommended to the Officers to take as little baggage as possible as the waggon will not be able to proceed with the Escort the whole march.

The Commissary will provide himself with weights and measures and try them by the standard and have them approved by the Colonel Commandant.

The Officers and Volunteers who take servants with them will

give in to the Adjutant General at 4 o'clock this afternoon the number they take with them.

All returns, reports of Guards and detachments that are required to be made to the Adjutant General or Colonel Commandant are required to be given in, in writing and signed by the Officer who makes any such report or return.

Eleven o'clock is the hour appointed for delivering the Orders of the day when a subaltern Officer will attend to receive Orders for the Escort.

The report of Camp duties to be made daily to the commanding Officer of each detachment, who will report the same to the Colonel Commandant and all out parties as soon as they return to camp will make report of the Duty they have been upon both at the Head Quarters and to the Colonel Commandant.

The Escort is ordered to parade opposite the Guard room at 10 o'clock to-morrow morning and march at 11 o'clock.

Salisbury May 21st

Parole—Salisbury.

The Orders of the 19th and 20th to be read to the Escort when paraded.

His Excellency orders that the Detachments may be informed he was greatly pleased with the appearance of the men he received on Tuesday last and he flatters himself their regularity and good behaviour on the service they are going upon will not only reflect honor and credit to their respective Counties but will render it unnecessary for him to enforce the execution of any military Law. If such necessity however should arise a Court Martial will be appointed consisting of not less than ten commissioned officers who will judge upon any matters brought before them and give sentence according to the majority of voices, which judgment is not to be put in execution till confirmed by the Commandant of the Escort.

Ordered that a Sergiant and six men remain behind the Escort to attend his Excellency on the March to be furnished from the Mecklenburgh Detachment and who will mount the Quarter Guard as soon as the Escort arrives in Camp.

Mill-Stone Camp.

After Orders.

The Escort to march to-morrow morning the General to beat 4

o'clock The Assembly at 5. when the Troops are to be in readiness to march.

Millstone Camp, Fryday 22^d May.

Parole—Rowan.

The Mecklenburgh Detachment are permitted by His Excellency as soon as they arrive in Camp to go to their respective places of abode and leave their Horses and punctually to return and join the Escort on Sunday next at 12 o'clock on King's Branch.

After Orders.

Camp Alexander. Mecklenburgh County.

The Escort to march to-morrow morning, the General to beat at 4 o'clock, the Assembly at 5. when the Troops are to be in readiness to march.

Kings Branch Camp, Saturday May 23rd 1767.

Parole—Mecklenburgh.

The Escort to halt to-morrow and divine service to be performed in Camp by His Excellency's Chaplain at half past eleven o'clock.

Kings Branch Camp, Sunday May 24th 1767.

Parole—Charlotte.

The Escort to receive from the Commissary two days allowance of meat and one of flower, the meat to serve for to-day and to-morrow. The Escort to march to-morrow morning, the General to beat at 4 o'clock, the Assembly at 5. when the troops are to be in readiness to march.

When any Horses belonging to the Escort are missing at the time of leaving the Encampments a Corporal and four men from the Rowan Detachment are to remain behind to bring them up when found without delay. This Detachment never to remain on any account more than one days march behind the Escort.

A Sergeant and six men to march with the baggage and to take the Camp Guard when they arrive in Camp and this to be a standing Order.

Catawba Camp, Monday 25th May 1767.

Parole—Skiajuska.

Ordered that the Commissary deliver out immediately one half pound of powder and one pound of lead to each Officer, non commissioned Officer and private man belonging to the Escort.

No Officer, non-commissioned Officer or private man to leave or absent himself from the Escort either in Camp or on the march without leave or permission first had and obtained from Colonel Waddell.

A Serjeant and six men to serve as Flankers to the Escort. The Camp Duty as usual. The Escort to receive from the Commissary provisions of meat and flower for two days including the 26th and 27th instant.

The Escort to march to morrow morning, the General to beat at 4 o'clock the Assembly at 5. when the troops are to be in readiness to march.

Necessity Camp. South Carolina 26th May 1767.

Parole—Montague.

The Escort to march to morrow morning the General to beat at 4 o'clock the Assembly at 5. and the Troops are to be in readiness to march when the baggage waggons come into Camp.

Broad River Camp. South Carolina. May 27th 1767.

Parole—Charles Town.

Ordered that the Commissary deliver out immediately to the Escort the allowance of meat for the 28th and 29th instant and flower for the 28th only.

Ordered that the commissary deliver out rations agreeable to the following List.

| | |
|--|-----|
| For His Excell ^{cy} his Aid de Camp & 5 servants | 7. |
| The hon ^{ble} John Rutherford & servant | 2. |
| The hon ^{ble} Robert Palmer Esq & servant | 2. |
| Colonel Waddell and servant | 2. |
| Col: Edw ^d Fanning & three attendants | 4. |
| Lieutenant Col: John Frohock & servant | 2. |
| Captain, Lieutenant, Ensign, Serjeant, two Corporals, one Drummer & 25 private men from Rowan Regiment of Militia | 32. |
| Lieutenant Colonel Moses Alexander | 1. |
| Capt: Lieut: Ensign, Serjeant, two Corporals, one Drummer and 25 private men from the Mecklenburgh Regiment of Militia | 32. |
| The Commissary 2. serv ^{ts} and 4. waggons | 7. |
| Chaplain | 1. |
| M ^r Samuel Sidann jun ^r & servant | 2. |
| M ^r John Gibbs and servant | 2. |

whole number 96.

Ordered that the Commissary deliver in to His Excellency to morrow evening the number of rations given out each day since the 18th instant. The Escort to march to morrow morning the general to beat 4. o'clock the Assembly at 5. when the Troops are to be in readiness to march.

Rattle Snake Camp. Thursday 28th May 1767.

Parole—Halifax.

Ordered that the Rowan Detachment march with the baggage waggon to morrow the Escort to receive from the Commissary their allowance of flower for to morrow. The Escort to march to morrow morning the General to beat at 4 o'clock the Assembly at 5. when the Troops are to be in readiness to march.

Fair Forest Camp. Fryday 29th May 1767.

Parole—Hyde.

The Commissary to deliver out to the Escort two days Provisions of meat and flower for the 30th and 31st instant inclusive.

The Escort to march to morrow morning, the General to beat at 4 o'clock the Assembly at 5, when the Troops are to be readiness to march.

Ordered that the Mecklenburgh Detachment march with the baggage waggons to morrow.

Tyger River Camp. Saturday 30th May 1767.

Parole—Hillsborough.

The Escort to halt tomorrow, divine service to be performed by His Excellency's Chaplain, to begin at eleven o'clock.

Tyger River Camp. Sunday 31st May 1767.

Parole—London.

The Escort to attend divine service this morning under arms.

When the Cherokee Chiefs march into Camp the Escort to receive them with rested Firelocks and beat a march and return all military compliments received from the Indians.

The Escort to have as little communication with the Indians as possible to remain constantly in camp and to be in readiness to turn out at a moments warning.

Ordered that M^r Alexander Cameron one of the Deputies of John Stuart Esquire, Superintendent of Indian Affairs for the Southern

department deliver in immediately to His Excellency the number of Indians present and white people in Company with them, assembled to run the dividing Line between the Western Frontiers of this Province and the Cherokee Hunting grounds.

After Orders.

Ordered that the Commissary deliver out two pounds of meat and one pound of flower to each of the Cherokee Indians and white people agreeable to the following return made by M^r Cameron.

| | |
|-------------------|----|
| Indian Men----- | 34 |
| Indian Women----- | 5 |
| White men----- | 2 |
| One Black----- | 1 |

whole number---- 42

Ordered that the Commissary deliver in this evening to His Excellency the quantity of wheate flower and Corn meal and number of live stock now remaining.

The Escort to receive from the Commissary their rations of meat and flower for the first and second of June next.

Tyger River Camp. Monday 1st June 1767.

Parole—Oustemka.

Ordered that the Commissary pay M^r Cameron forty two pounds twelve shillings South Carolina Currency being the sum advanced in supporting the Cherokee Indians from Hard Labor in South Carolina to this Camp.

The Escort to be in readiness to march tomorrow.

Tyger River Camp. Tuesday 2^d June 1767

Parole—Ustota.

Ordered that a serjeant and six men return to Salisbury as a guard to six Cherokee Indians, who go there to receive the presents given by the Publick, and escort back the Indians and presents to Lower Ford on Broad River after the performance of which service they will return back again to Salisbury and be discharged.

The Commissary will deliver the Serjeant ten pounds Procⁿ money for subsisting himself and men and the Indians he escorts.

The Escort ordered to march at 12. o'clock.

Ordered that ten men advance as pioneers at the head of the column to remove obstructions and to open a way through the woods for the baggage waggons.

After Orders. Enoree Camp.

Ordered that the Commissary furnish the Escort with their rations of meat and flower for Wednesday the third instant, and also deliver out to the Cherokee Indians the rations of meat and flower for to-day and at 4 o'clock tomorrow morning the rations for to-morrow.

The Escort to march to-morrow morning the General to beat at half past three o'clock the Assembly at four when the Troops are to be in readiness to march.

By the diligence and manly executions of the pioneers discovered to-day His Excellency hopes by making a forc'd march to arrive at Reedy River tomorrow evening where the Escort will halt on Thursday to celebrate His Majesty's birthday.

The pioneers to advance in the front of the Column to-morrow as by orders of this day.

Tryon Camp. Reedy River. Wednesday 3^d June.

Parole—Wake

His Excellency desires his thanks may be returned to the Officers and men of the Escort for the alacrity and cheerfulness they discovered in the March and the Assistance they gave the Baggage waggons and also to the neighbouring Inhabitants who voluntarily assembled to expedite the March and joined the Pioneers in opening a way through the woods for the Baggage waggons.

The Escort to halt tomorrow and to be under arms to fire in honor of the day.

The Commissary to deliver out to the Escort & Indians rations of meat and flower for to-morrow the 4th instant.

His Excellency orders that the Commissary deliver to the Escort an additional allowance of a sheep and four gallons of usquebaugh one gallon more to the waggoners & another gallon to the Volunteers assembled from the neighbourhood of Reedy River.

Tryon Camp. Reedy River. Thursday 4th June 1767.

Parole—Ohaiah Equah.

The hon^{ble} John Rutherford and the hon^{ble} Robert Palmer Esq^r and John Frohock Esq. Commissioners appointed by His Excellency

to run the dividing Line between the Western Frontiers of this Province and Cherokee Indian Hunting Grounds are to meet M^r Cameron and the Indians at 12. o'clock and begin the running the dividing Line at the place where the South Carolina Line terminated on Reedy River and run thence a North Course.

Tryon Camp, Reedy River. Fryday 5th June 1767.

Parole—Cherokee.

His Excellency orders the Escort may be informed he was greatly pleased with the decency and regularity of their appearance & the closeness of their firing on yesterday.

M^r Cameron is directed by His Excellency to make a return of what number of Indians will attend the running of the dividing Line and also what quantity of flower they will be able to carry.

The Commissioners will make a return this morning to His Excellency what number of men will be necessary to accompany them on the service and the quantity of Provisions that they will want for their subsistance.

The Commissary to deliver to the Escort rations of meat and flower for 2 days the 5th and 6th instant and rations for this day to the Indians.

The Escort to march at three 3 o'clock this afternoon.

The following return made by the Comm^r in compliance of the Order of this day, towit:

| | |
|------------------------------------|-----|
| Indians ----- | 22. |
| Squaws ----- | 2. |
| Commissary ----- | 1. |
| Interpreter ----- | 1. |
| Commissary serv ^t ----- | 1. |
| Total ----- | 27. |

(signed)

ALEXANDER CAMERON
Commissary for the Cherokees.

The following return made by the Comm^{rs} in compliance of the Order of this day, to wit:

| | |
|----------------------------------|-------|
| Commissioners & servants----- | 6. |
| Deputy Surveyors----- | 2. |
| Men to blase the Line Trees----- | 6. |
| Pack Horse Men----- | 4. |
| Guard to the Baggage &c----- | 10. |
| Guide----- | 1. |
| Two Officers & one Serjeant----- | 3. |
| | <hr/> |
| | 32. |
| | <hr/> |

Provisions for 32 men twenty days:

| | |
|-----------------------------------|--------------------|
| Flower----- | 660 ^{lbs} |
| Beef----- | 1,000 |
| Ditto for the Indians flower----- | 660 |
| Beef----- | 1,000 |

(signed)

JOHN RUTHERFORD.

ROBERT PALMER

JOHN FROHOCK.

Ordered that one Captain, one Lieutenant, one Serjeant and twenty private men be made from His Excellency's Escort to attend the Commissioners in running the dividing Line.

The soldiers to do duty by turns in blasing the Trees and to receive an additional pay of one shilling per day when employed in that service.

Captain George Davidson, Lieutenant W^m Davison and the men from the Rowan Detachment to be appointed to this Duty and the whole to be under the command of Lieutenant Colonel John Frohock.

Ten of the Horses belonging to the men of the Rowan Detachment to be employed as Baggage Horses to carry Provisions for which the owners will be allowed one shilling and fourpence per day.

After Orders.

The Orders for the Escort marching this afternoon countermanded.

An Officer and six men to parade immediately in order to escort His Excell^{cy} in seeing the Comm^{rs} continue running the dividing Line with the Cherokee Indians.

The Escort to march to-morrow morning the General to beat at half past three o'clock the Assembly at half past four when the Troops are to be in readiness to march.

Rock Ford Camp,
on Darbin's Creek, Saturday 6th June 1767.

Parole—Edenton.

The Commissary to make a return to His Excellency to-morrow of the number of Rations now delivered out to the Escort, Attendance and Volunteers.

The allowance of flower for the 7th and 8th instant to be delivered out by the Commissary to the Escort this evening and rations of meat for to-morrow to be delivered out to-morrow morning.

Divine Service to be performed to-morrow by His Excellency's Chaplain where the Troops halt in the forenoon.

The Escort to march to-morrow morning the General to beat at half past three o'clock the Assembly at 4. when the Troops are to be in readiness to march.

Tyger River Camp, Sunday 7th June 1767.

Parole—Bath.

The Colonel Commandant having lost a Horse, which horse is supposed to have been stole while the Escort were encamped at Reedy River and information having been made that a number of Horse stealers have for some days past been following His Excellency's Escort and lurking about the Camp, it is ordered that when any suspected Person shall be discovered by any of the soldiers in or near the Camp that they shall be apprehended and taken before the Colonel Commandant to be examined. And as an encouragement for the soldiers to be vigilant a reward of five dollars will be given to the soldier who shall detect and apprehend any Person privately leading off any horse belonging to the Escort.

The Escort to march to-morrow morning the General to beat at half past three o'clock the Assembly at half past four when the Troops are to be in readiness to march.

Fair Forest Camp, Monday 8th June 1767.

Parole—Newbern.

The Commissary to deliver to the Escort rations of meat for the

eighth, ninth and tenth instant inclusive and rations of flower for the ninth instant only.

The Escort to march to-morrow morning the General to beat at half past three o'clock the Assembly at half past 4, when the Troops are to be in readiness to march.

Buffalow Clover Camp, Tuesday 9th June 1767.

Parole—Wilmington.

The Commissary to deliver to the Escort rations of flower for tomorrow the 10th instant.

The Escort to march tomorrow morning the General to beat at four o'clock the Assembly at five when the Troops are to be in readiness to march.

Catawba Camp, on Fishing Creek

Wednesday 10th June

Parole—Brunswick.

The Escort to receive from the Commissary this evening rations of meat and flower for the 11th and 12th instant.

The Escort to march to-morrow morning the General to beat at 4 o'clock the Assembly at five when the Troops are to be in readiness to march.

Catawba Camp, Fishing Creek

Thursday 11th June 1767.

Parole—Tarborough.

His Excellency will visit the Nations of Catawba Indians in their Towns this day accompanied by the Col: Com: and others, Lieut: Col: Moses Alexander will take the command of the Escort till rejoined by His Excellency and march with the Escort as by yesterday's Orders.

Headquarters Lieut: Col: Moses Alexander's.

Fryday 12th June 1767.

Parole—Dry.

His Ex: thanks the Officers & men of the Escort for their handsome soldierly & regular conduct & behaviour since their entering into the service & orders that the Col: Com^t, Adjutant Gen^l, Aid de Camp, Chaplain, Commissary and the Detachment from the Mecklenburgh

Regiment of Militia be discharged tomorrow from the service they were called out upon.

Salisbury 13th June 1767. - Saturday

Ordered that the Serjeant and six men from the Rowan Detachment who escorted the Cherokee Indians from Tyger River to Salisbury and back again with the presents to Lower Ford on Broad River be discharged on their return to Salisbury after the performance of that duty & also that the Escort under the comand of Lieut. Col: John Frohock which are now attending the Comm^{rs} in running the Partition Line between the Western Frontiers of this Province & the Cherokee hunting Grounds be discharged on their arrival in Salisbury after the performance of that duty. Ordered that the Commissary deliver in to His Exc^y as soon as possible an acc^t of the disbursements incurred by him on behalf of the Publick during the Service. The Adj: General to prepare and deliver in to His Exc^y as soon as the Rowan Detachm^t return & be dismissed a fair state of the acc^t of the pay due to the Officers & soldiers of His Exc^y's Escort from the time of the commencement to the conclusion of the service.

I. EDWARDS,

Aid de Camp.

[B. P. R. O. AMERICA & WEST INDIES: NO. 214.]

NORTH CAROLINA—SS.

Journals of His Excellency Governor Tryons Escort from Salisbury to the Western Frontiers of the Province, to meet the Cherokee Indians.

Thursday 21st May 1767.

The Escort marched at 2 o'clock p. m. Encamped at
Millstone run ----- 12 miles.

Note.—The Head Branch of Cold Water 4 miles from the
Partition Line between the Crown & Earl Granville's
Lands.

Fryday 22^d May.

Marched from Millstone Camp—halted at Buffaloe Creek
at a plantation of Major Fifers ----- S.

Note.—Remains of an old Log Fort built by the Inhabitants to stop the incursions of the Indians in the last War.

| | |
|--|----|
| Crossed Coddle Creek a branch of Rocky River about 4½ miles above the mouth of said Creek----- | 4. |
| Encamped near Rocky River (at Lieut. Col. Moses Alexander's) 50 miles above its confluence with the Yadkin where they form the Pee Dee ----- | 2. |

Saturday 23rd May.

| | |
|---|-----|
| Marched from Alexander Camp. Crossed a Ford at Stony Creek (branch of Mallo Creek)----- | 2. |
| Crossed a Ford at Mallo Creek, (water of Rocky River)----- | 2. |
| Halted and dined at Captain Polk's----- | 10. |
| Crossed the middle branch of Sugaw Creek, water of main Sugaw Creek abt the centre of M ^r Geo. Augustus Selwyn's Tract of Land N ^o 3 containing 12,500 acres----- | 1. |
| Crossed King's Branch and encamped on the Western Banks of it. Water of the S ^o Fork of main Creek---- | 4. |

Sunday 24th May.

Halted at Kings Branch.

Monday 25th May.

| | |
|--|----|
| Marched from King's Branch crossed a Ford of the South Fork of Sugaw Creek which empties itself into the Catawba----- | 4. |
| Crossed Steel Creek (runs into Catawba)----- | 5. |
| Crossed the Ford of Catawba River in the old Catawba Nation ----- | 5. |
| <i>Note.</i> —The Catawba River runs from the Ford a south and by East course 30 miles and then falls into the Wateree. The Wateree Creek and Catawba River form the Wateree River a branch of the Santee River. | |
| Crossed Dutchman's Creek and encamped to the westward of it, from Catawba Ford----- | 2. |

Tuesday 26th May.

| | |
|--|----|
| Marched from Catawba Camp, crossed Tools Fork of Fishing Creek----- | 6. |
| Crossed Gum Log Ford a branch of Fishing Creek 20 miles above where Fishing Creek empties into the Catawba River Halted at Gum Log Ford----- | 7. |
| Encamped at Necessity Camp at the head of Sandy River a branch of Broad River----- | 7. |
| <i>Note.</i> —The Camp so named being obliged to halt for the waggons coming up which were left behind the last evening with all the Provisions &c. in them. | |

Wednesday 27th May. South Carolina.

| | |
|---|-----|
| Marched from Necessity Camp and halted at a Blacksmith's crossed Turkey Creek Ford near the mouth water of Broad River----- | 14. |
| Crossed Broad River at Loves Ford----- | 1. |
| Encamped on the Western Banks of Broad River. | |

Thursday 28th May.

| | |
|---|----|
| Marched from Broad River Camp and crossed first Fork of Brown Creek----- | 5. |
| Crossed and halted at Brown Creek 2 ^d Fork (both waters of Broad River)----- | 5. |
| Crossed 2 ^d Brown Creek----- | 1. |
| Encamped at Rattle Snake Camp near Fair Forest (waters of Broad river.)----- | 4 |

Friday 29th May.

| | |
|--|-----|
| Marched from Rattle Snake Camp and encamped at Duggins Branch. Water of Fair Forest----- | 17. |
|--|-----|

Saturday 30th May.

| | |
|--|-----|
| Marched from Duggins Branch Fair Forest Camp, crossed the north Fork Tyger River and halted at Mr Miller's-- | 13. |
| Crossed the middle Fork of Tyger River----- | 1. |
| Encamped on a Spring Branch of d ^o ----- | 2. |

Sunday 31st May.

Halted at Tyger River Camp.

Note.—The Cherokee Indians joined the Escort this day

Monday 1st June

Halted at Tyger River Camp.

Note.—The Governor gave the Indians a Talk this day.

Tuesday 2^d June

Governor received a Talk from the Indians and at 2 p. m.

marched from Tyger river Camp. Crossed the South

Fork of Tyger River ----- 1.

Forded the Enoree and encamped on the west side of it-- 8.

Wednesday 3rd June

Marched from Enoree Camp & crossed Darbins Creek--- 5.

Forded at Rayborn's Creek and halted----- 9.

Encamped at Reedy River, near where the South Carolina
dividing Line terminated----- 11.

Note.—It is to be observed that from Millers on the east side of South Tyger River to Reedy River being 34 miles there was no road either for carriage or horses, Pioneers were therefore appointed with Hoes and felling axes to open a communication by cutting down the Trees and putting down the banks of the Creeks lying between Millers and Reedy River. This service was performed by the pioneers with great spirit which enabled the waggon to march 25. miles in the space of fourteen hours this day all halts and impediments included.

Thursday 4th June.

His Majesty's Birthday.

Halted at Reedy River Camp.

The Commissioners, M^r Cameron and the Woolf Indians began at 12 o'clock this day the dividing Line where the South Carolina Line terminated steering a north course which ran through the Camp when the Comm^{rs} and Indians halted on the north side of it, about 2 miles from where they started on Reedy River, after which His Excellency entertained at dinner the Commissioners Officers and Gentlemen Volunteers belonging to the Escort and the Chief men and Warriors of the Cherokee Tribe. In the afternoon the Escort and Indians turned out under arms and fired Volleys after every Toast that was given in honour of the day. In the evening the Indians performed several dances after their manner.

Friday 5th June

Continued the dividing Line about 2 miles and returned
to Reedy River Camp or Camp Tryon----- 2 miles.

Saturday 6th June.

Marched from Reedy River Camp and continued the
Boundary Line about 4 miles from where it left off the
preceeding evening when the Escort & Indians halted
about 2 hours. At 11 o'clock the Detachment under
the command of Lieut: Colonel Frohock accompanied
the Comm^r who proceeded with near thirty Indians to
continue the Line and the remainder of the Troops
marched to Escort His Excell^{cy} back to Salisbury.

Whole number of miles before the Escort counter-
marched ----- 184.

The Journals of His Excellency's Escort on their return.

From Tryon Camp to Rayburn's Creek and halted ---- 11.
Encamped at Darbin's Creek ----- 9.

Sunday 7th June.

Marched from Rocky Ford Camp (on Darbin's Creek) and
halted at Tyger River Camp ----- 16.
Encamped at a branch of Tyger ----- 3.

Monday 8th June.

Marched from Tyger River Camp and halted at Mr
Edwards ----- 16.
Encamped on a branch of Fair Forest ----- 8.

Tuesday 9th June.

Marched from Fair Forest Camp and halted at Love's
Ford on Broad River ----- 20.
Encamped at Buffalow Clover Camp ----- 4.
Note.—Buffalow Clover was extremely thick here it is a
species of grass much like the red clover not much
coveted by any cattle but the Buffalow. .

Wednesday 10th June.

Marched from Buffalow Clover Camp and halted at Gum
Log Ford ----- 16.
Encamped at Fishing Creek ----- 6.

 Thursday 11th June.

Marched from Fishing Creek to Catawba River and halted 10.
 Encamped at Kings Branch Camp----- 14.

Friday 12th June.

Marched from Kings Branch Camp to Lieut: Colonel Moses
 Alexander's & halted ----- 20.

Saturday 13th June.

The Mecklenburgh Detachment discharged and the Governor, Col: Waddell, Col: Fanning &c arrived at Salisbury to dinner from Colonel Alexander's----- 26.
 The baggage waggons were also dismissed this day.

Number of miles travelled on the return -----179.

Number of miles travelled by the Gover^r going and returning to wit

From Brunswick to Salisbury-----240.
 From Salisbury to parting with the Comm^{rs}-----184.
 Back again to Salisbury -----179.
 From Salisbury to Brunswick -----240.

Whole March---843 miles

[B. P. R. O. AMERICA & WEST INDIES. VOL. 215.]

NORTH CAROLINA

An estimate of the expense of running the dividing Line between the Western Frontier of this Province and Cherokee Hunting Grounds.

| Debtor | £ | s. | d. |
|--|-----|----|----|
| Presents made the Indians of Goods delivered by John Mitchell Esq. as P^{r} account to the amount of----- | 175 | — | — |
| Pay for the Officers and men belonging to Escort as per account ----- | 574 | 15 | 5½ |
| Provisions, Waggons &c. for the Escort & Indians as P^{r} account rendered by William Frohock—Commissary | 306 | 8 | 1 |
| For two Deputy Surveyors employed in running the Line from the 1 st to the 19 th day of June inclusive @ 1¾ per day each ----- | 25 | 6 | 8 |

Disbursements made by the Gov^r

| | | | |
|--|------|----|----|
| For Pack Horses and Markers, accompanied by the Comm ^{rs} from Reedy River----- | £ 11 | 7 | 4 |
| To the Indians for assisting in marking the Line ----- | 5 | 6 | 8 |
| To J ^s McCormack (Interpreter)----- | 10 | — | — |
| To Tho ^s Taylor Express from M ^r Stuart To W ^m Temple Cole----- | 4 | 16 | — |
| Express from His Excell ^{ty} ----- | 5 | — | — |
| | — | — | — |
| | 36 | 10 | — |
| | 1118 | 0 | 2½ |

| | | | |
|---|------|----|----|
| The Comm ^{rs} charge for running the Line and extra expenses ----- | 372 | 10 | — |
| Proclamation Money----- | 1490 | 10 | 2½ |

C^r £. S. D.

| | | | |
|--|------|----|----|
| By cash of the Treasurer to answer this purpose pursuant to a Resolve of the Assembly in 1766----- | 175 | — | — |
| By D ^o paid the Comm ^{rs} by the Treasurer pursuant to the aforementioned resolve ----- | 100 | — | — |
| By the Balance remaining due for this service submitted to the Assembly for allowance and granted by a resolve at December Session 1767----- | 1215 | 10 | 2½ |
| Proclamation Money----- | 1490 | 10 | 2½ |







